

SESSION LAWS OF MISSOURI

Passed during the

ONE-HUNDREDTH GENERAL ASSEMBLY

Second Regular Session, which convened at the City of Jefferson,
Wednesday, January 8, 2020, and adjourned Saturday, May 30, 2020
and

First Extraordinary Session (2020), which convened at the City of Jefferson,
Monday, July 27, 2020, and adjourned Wednesday, September 16, 2020
and

Second Extraordinary Session (2020), which convened at the City of Jefferson, Thursday,
November 5, 2020, and adjourned Wednesday, December 16, 2020.

Veto Session held September 16, 2020.



Published by the

**MISSOURI JOINT
COMMITTEE ON
LEGISLATIVE RESEARCH**

In compliance with Sections 2.030 and 2.040,
Revised Statutes of Missouri, 2016

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2020

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HOW TO USE THE SESSION LAWS

The first pages contain the *Table of Sections Affected by 2020 Legislation* from the Second Regular Session of the 100th General Assembly, followed by the First Extraordinary Session (2020) of the 100th General Assembly, and the Second Extraordinary Session (2020) of the 100th General Assembly.

The text of all 2020 House and Senate Bills and the Concurrent Resolutions from the Second Regular Session appear next. The appropriation bills are presented first, with all others following in numerical order.

After the text from the Second Regular Session, the text of House Bill 46 and House Bill 66 from the First Extraordinary Session (2020) of the 100th General Assembly, and House Bill 14, the appropriation bill from the Second Extraordinary Session (2020) of the 100th General Assembly follows.

A subject index is included at the end of this volume.

Visit the Revisor of Statutes website at revisor.mo.gov.

TABLE OF CONTENTS

ONE-HUNDREDTH GENERAL ASSEMBLY

	Pages
PREFACE	
Authority for Publishing Session Laws and Resolutions	v
Attestation	vi
Effective Date of Laws (Constitutional Provision)	vi
Joint Resolutions and Initiative Petitions (Constitutional Provision)	vii
Table of Sections Affected, 2020 Second Regular Session	ix
Table of Sections Affected, 2020 First Extraordinary Session	xxi
Table of Sections Affected, 2020 Second Extraordinary Session	xxii

2020 LEGISLATION SECOND REGULAR SESSION

Appropriation Bills	1
House Bills	339
Senate Bills	745
Vetoed Bills	899
House Concurrent Resolutions	901
Senate Concurrent Resolutions	903
Adopted Amendments to the Constitution - November 3, 2020 Election	905
Defeated Amendments to the Constitution - November 3, 2020 Election	917

2020 LEGISLATION FIRST EXTRAORDINARY SESSION

House Bills	921
-------------------	-----

2020 LEGISLATION SECOND EXTRAORDINARY SESSION

Appropriation Bill	929
--------------------------	-----

INDEX

Subject Index, Second Regular Session	935
Subject Index, First Extraordinary Session	951
Subject Index, Second Extraordinary Session	955

AUTHORITY FOR PUBLISHING SESSION LAWS AND RESOLUTIONS

2.030. Revised Statutes of Missouri, 2016. — Legislative research, printing and binding of laws. — The joint committee on legislative research shall annually collate and index, and may print and bind and/or produce in a web-based electronic format all laws and resolutions passed or adopted by the general assembly and all measures approved by the people since the last publication of the session laws. Any edition of the session laws published pursuant to this section is a part of the official laws and resolutions of the general assembly at which the laws and resolutions were passed.

2.040. Revised Statutes of Missouri, 2016. — Duties of legislative research in printing and binding. — The joint committee on legislative research shall provide copies of all laws, measures and resolutions duly enacted by the general assembly and all amendments to the constitution and all measures approved by the people since the last publication of the session laws pursuant to section 2.030, giving the date of the approval or adoption thereof. The joint committee on legislative research shall headnote, collate, index the laws, resolutions and constitutional amendments, and compare the proof sheets of the printed copies with the original rolls. The revisor of statutes shall insert therein an attestation under the revisor's hand that the revisor has compared the laws, resolutions, constitutional amendments and measures therein contained with the original rolls and copies in the office of the secretary of state and that the same are true copies of such laws, measures, resolutions and constitutional amendments as the same appear in the original rolls in the office of the secretary of state. The joint committee on legislative research shall cause the completed laws, resolutions and constitutional amendments to be printed and bound.

The Joint Committee on Legislative Research is pleased to state that the 2020 Session Laws of Missouri is printed with soy-based ink.

ATTESTATION

STATE OF MISSOURI)
) ss.
City of Jefferson)

I, Russ Hembree, Revisor of Statutes, hereby certify that I have collated carefully the laws and resolutions passed by the One-hundredth General Assembly of the State of Missouri, convened in second regular session (2020), first extraordinary session (2020), and second extraordinary session (2020) as they are contained in the following pages, and have compared them with the original rolls and have corrected them thereby. Headnotes are used for the convenience of the reader and are not part of the laws they precede.

IN TESTIMONY WHEREOF, I have hereunto set my hand at my office in the City of Jefferson this sixth day of October, and eighth day of December, A.D., two thousand twenty.

RUSS HEMBREE
REVISOR OF STATUTES

EFFECTIVE DATE OF LAWS

All laws having emergency clauses (and appropriation bills) become effective upon signature by the governor. Bills having a specific effective date contained in the text of the act become effective on that date. This date is shown immediately following the section. All other laws become effective in accordance with the provisions of the Constitution of Missouri.

Section 29, Article III of the Constitution provides:

“No law passed by the general assembly, except an appropriation act, shall take effect until ninety days after the adjournment of the session in either odd-numbered or even-numbered years at which it was enacted. However, in case of an emergency, which must be expressed in the preamble or in the body of the act, the general assembly by a two-thirds vote of the members elected to each house, taken by yeas and nays may otherwise direct; and further except that, if the general assembly recesses for thirty days or more it may prescribe by joint resolution that laws previously passed and not effective shall take effect ninety days from the beginning of the recess.”

Pursuant to Section 20(a), Article III, Constitution of Missouri, as amended in 1988, the regular session of the general assembly ends on May 30th and laws passed at that session become effective August 28th of that year.

Section 21.250, which provides for the effective date of bills reconsidered after the governor’s veto, was amended by the General Assembly in 2003 to add the following language:

“Unless the bill provides otherwise, it shall become effective thirty days after approval by constitutional majorities in both houses of the general assembly.”.

The One-hundredth General Assembly, Second Regular Session, convened Wednesday, January 8, 2020, and adjourned Saturday, May 30, 2020. All laws passed by it (other than appropriation acts, those having emergency clauses or different effective dates) became effective ninety days thereafter on August 28, 2020.

The One-hundredth General Assembly, First Extraordinary Session, convened Monday, July 27, 2020, and adjourned Wednesday, September 16, 2020. The bills passed by it became effective September 21, 2020.

The One-hundredth General Assembly, Second Extraordinary Session, convened Thursday, November 5, 2020, and adjourned Wednesday, December 16, 2020. The appropriation bill passed by it became effective December 11, 2020.

JOINT RESOLUTIONS AND INITIATIVE PETITIONS

Section 2(b), Article XII of the Constitution provides:

“All amendments proposed by the general assembly or by the initiative shall be submitted to the electors for their approval or rejection by official ballot title as may be provided by law, on a separate ballot without party designation, at the next general election, or at a special election called by the governor prior thereto, at which he may submit any of the amendments. No such proposed amendment shall contain more than one amended and revised article of this constitution, or one new article which shall not contain more than one subject and matters properly connected therewith. If possible, each proposed amendment shall be published once a week for two consecutive weeks in two newspapers of different political faith in each county, the last publication to be not more than thirty nor less than fifteen days next preceding the election. If there be but one newspaper in any county, publication for four consecutive weeks shall be made. If a majority of the votes cast thereon is in favor of any amendment, the same shall take effect at the end of thirty days after the election. More than one amendment at the same election shall be so submitted as to enable the electors to vote on each amendment separately.”

The One-hundredth General Assembly (Second Regular Session, First Extraordinary Session, and Second Extraordinary Session, (2020)) passed one Joint Resolution. Resolutions are to be published as provided in Section 116.340, RSMo 2016, which reads:

“116.340. Publication of approved measures. — When a statewide ballot measure is approved by the voters, the secretary of state* shall publish it with the laws enacted by the following session of the general assembly, and the revisor of statutes shall include it in the next edition or supplement of the revised statutes of Missouri. Each of the measures printed above shall include the date of the proclamation or statement of approval under section 116.330.”

*The publication of session laws was delegated to the Joint Committee on Legislative Research in 1997 by Senate Bill 459, section 2.040.

The headnotes used to describe sections printed in this volume may not be identical with the headnotes which appear in the 2020 Revised Statutes of Missouri. Every attempt has been made to develop headnotes which adequately describe the textual material contained in the section.

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**TABLE OF SECTIONS AFFECTED BY 2020 LEGISLATION,
100TH GENERAL ASSEMBLY, SECOND REGULAR SESSION**

SECTION	ACTION	BILL
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2.020	Amended	HB 1655	37.1094	Vetoed	HB 1854
2.110	Amended	HB 1655	37.1095	Vetoed	HB 1854
9.152	New	HB 1682	37.1096	Vetoed	HB 1854
9.166	New	HB 1682	37.1097	Vetoed	HB 1854
9.182	New	HB 1682	37.1098	Vetoed	HB 1854
9.300	New	HB 1682	41.035	Vetoed	SB 718
9.300	Vetoed	SB 718	42.017	New	SB 656
9.302	New	SB 656	49.266	Vetoed	HB 1854
9.305	New	SB 656	50.166	Vetoed	HB 1854
9.311	New	SB 656	50.327	Vetoed	HB 1854
10.230	New	SB 656	54.140	Vetoed	HB 1854
10.237	New	SB 656	58.035	New	HB 2046
10.238	New	SB 656	58.095	Amended	HB 2046
10.239	New	SB 656	58.208	New	HB 2046
27.115	New	SB 656	58.451	Amended	HB 2046
27.115	Vetoed	SB 718	58.720	Amended	HB 2046
29.230	Vetoed	HB 1854	59.021	Vetoed	HB 1854
30.260	Amended	SB 599	59.100	Vetoed	HB 1854
30.753	Amended	SB 599	59.568	New	HB 1655
30.758	Amended	SB 599	59.569	New	HB 1655
32.300	Amended	HB 1963	64.207	Vetoed	HB 1854
34.600	New	SB 739	64.805	Vetoed	HB 1854
36.020	Vetoed	SB 718	67.453	Amended	HB 1768
36.155	Amended	SB 631	67.730	Vetoed	HB 1854
36.155	Vetoed	HB 1854	67.1011	Vetoed	HB 1854
37.1090	Vetoed	HB 1854	67.1360	Vetoed	HB 1854
37.1091	Vetoed	HB 1854	67.1461	Amended	HB 1768
37.1092	Vetoed	HB 1854	67.1545	Vetoed	HB 1854
37.1093	Vetoed	HB 1854	67.1790	Vetoed	HB 1854

**TABLE OF SECTIONS AFFECTED BY 2020 LEGISLATION,
100TH GENERAL ASSEMBLY, SECOND REGULAR SESSION**

SECTION	ACTION	BILL	SECTION	ACTION	BILL
67.1846	Amended	HB 1768	115.642	Amended	SB 631
67.5122	Amended	HB 1768	115.646	Vetoed	HB 1854
67.5122	Amended	HB 2120	115.652	Amended	SB 631
70.705	Amended	SB 599	115.761	Amended	SB 631
70.705	Amended	HB 1467	137.115	Amended	SB 676
79.235	Vetoed	HB 1854	137.180	Vetoed	HB 1854
94.838	Vetoed	HB 1854	137.385	Amended	SB 676
94.842	Vetoed	HB 1854	138.060	Amended	SB 676
94.900	Vetoed	HB 1854	138.090	Amended	SB 676
94.902	Vetoed	HB 1854	138.434	Vetoed	HB 1854
94.1014	Vetoed	HB 1854	143.121	Amended	SB 676
100.255	Amended	SB 599	143.171	Amended	SB 676
104.010	Amended	HB 1467	143.425	New	SB 676
104.090	Amended	HB 1467	143.425	Vetoed	HB 1854
104.395	Amended	HB 1467	143.441	Amended	HB 1963
104.1027	Amended	HB 1467	143.991	Amended	SB 676
104.1089	New	HB 1467	143.1160	New	HB 1682
105.145	Vetoed	HB 1854	144.070	Amended	HB 1963
105.470	Amended	HB 1386	144.757	Vetoed	HB 1854
105.485	Amended	SB 631	144.805	Amended	HB 1963
115.127	Vetoed	HB 1854	168.021	Amended	SB 656
115.277	Amended	SB 631	168.021	Vetoed	SB 718
115.283	Amended	SB 631	169.020	Amended	HB 1467
115.285	Amended	SB 631	190.092	Amended	HB 1682
115.291	Amended	SB 631	190.094	Amended	HB 1682
115.302	New	SB 631	190.094	Amended	HB 2046
115.357	Amended	SB 631	190.105	Amended	HB 1682
115.621	Amended	SB 631	190.105	Amended	HB 2046
115.621	Vetoed	HB 1854	190.143	Amended	HB 1682

**TABLE OF SECTIONS AFFECTED BY 2020 LEGISLATION,
100TH GENERAL ASSEMBLY, SECOND REGULAR SESSION**

SECTION	ACTION	BILL	SECTION	ACTION	BILL
190.143	Amended	HB 2046	195.417	Amended	HB 1896
190.196	Amended	HB 1682	195.805	New	HB 1682
190.196	Amended	HB 2046	195.805	New	HB 1896
190.606	Amended	HB 1682	195.815	New	HB 1682
190.612	Amended	HB 1682	195.815	New	HB 1896
190.839	Amended	HB 2456	196.990	Amended	HB 1682
190.1005	New	HB 1682	196.1050	New	HB 1682
191.775	Amended	HB 1682	197.135	New	SB 569
191.940	New	HB 1682	198.439	Amended	HB 2456
191.1146	Amended	HB 1682	198.610	New	HB 1387
191.1146	Amended	HB 1896	198.612	New	HB 1387
191.1601	New	HB 1682	198.614	New	HB 1387
191.1603	New	HB 1682	198.616	New	HB 1387
191.1604	New	HB 1682	198.618	New	HB 1387
191.1605	New	HB 1682	198.620	New	HB 1387
191.1606	New	HB 1682	198.622	New	HB 1387
191.1607	New	HB 1682	198.624	New	HB 1387
192.2305	Amended	SB 656	198.626	New	HB 1387
192.2305	Amended	HB 1682	198.628	New	HB 1387
192.2305	Vetoed	SB 718,	198.630	New	HB 1387
192.2520	New	SB 569	198.632	New	HB 1387
193.145	Amended	HB 2046	205.202	Amended	HB 1682
193.265	Amended	HB 1414	205.202	Vetoed	HB 1854
193.265	Amended	HB 2046	208.151	Amended	SB 656
194.320	New	SB 551	208.151	Amended	HB 1414
195.015	Amended	HB 1896	208.151	Amended	HB 1682
195.017	Amended	HB 1896	208.151	Vetoed	SB 718
195.070	Amended	HB 1682	208.437	Amended	HB 2456
195.417	Amended	HB 1682	208.480	Amended	HB 2456

**TABLE OF SECTIONS AFFECTED BY 2020 LEGISLATION,
100TH GENERAL ASSEMBLY, SECOND REGULAR SESSION**

SECTION	ACTION	BILL	SECTION	ACTION	BILL
208.909	Amended	HB 1682	210.252	Amended	HB 1414
208.918	Amended	HB 1682	210.254	Amended	HB 1414
208.924	Amended	HB 1682	210.566	Amended	SB 653
208.935	New	HB 1682	210.566	Amended	HB 1414
209.150	Amended	SB 644	210.652	New	SB 653
209.150	Amended	SB 656	210.1080	Amended	HB 1414
209.200	Amended	SB 644	211.135	New	SB 653
209.200	Amended	SB 656	211.135	New	HB 1414
209.204	Amended	SB 644	211.171	Amended	SB 653
209.204	Amended	SB 656	211.171	Amended	HB 1414
209.334	Amended	HB 2046	214.276	Amended	HB 2046
210.025	Repealed	HB 1414	217.850	New	HB 1963
210.109	Amended	SB 656	227.476	New	HB 1963
210.109	Amended	HB 1414	227.600	Amended	HB 1963
210.109	Vetoed	SB 718	227.803	New	HB 1963
210.112	Amended	SB 653	227.804	New	HB 1963
210.112	Amended	HB 1414	238.207	Vetoed	HB 1854
210.116	New	SB 653	238.235	Vetoed	HB 1854
210.123	New	SB 653	238.237	Vetoed	HB 1854
210.123	New	HB 1414	256.477	Amended	HB 2046
210.135	Amended	HB 1414	300.010	Amended	HB 1963
210.145	Amended	SB 653	301.010	Amended	HB 1963
210.145	Amended	HB 1414	301.030	Amended	HB 1963
210.150	Amended	SB 656	301.032	Amended	HB 1963
210.150	Amended	HB 1414	301.140	Amended	HB 1963
210.150	Vetoed	SB 718	301.190	Amended	HB 1963
210.201	Amended	HB 1414	301.193	Amended	HB 1963
210.211	Amended	HB 1414	301.210	Amended	HB 1963
210.221	Amended	HB 1414	301.213	Amended	HB 1963

**TABLE OF SECTIONS AFFECTED BY 2020 LEGISLATION,
100TH GENERAL ASSEMBLY, SECOND REGULAR SESSION**

SECTION	ACTION	BILL	SECTION	ACTION	BILL
301.280	Amended	HB 1963	305.810	New	HB 1963
301.451	Amended	SB 656	306.127	Amended	HB 1963
301.560	Amended	HB 1963	307.015	Amended	HB 1963
301.564	Amended	HB 1963	317.015	Amended	HB 2046
301.576	New	HB 1963	321.015	Vetoed	HB 1854
301.3069	New	SB 656	321.190	Vetoed	HB 1854
301.3069	New	HB 1963	321.300	Vetoed	HB 1854
301.3159	New	SB 656	321.552	Vetoed	HB 1854
301.3159	New	HB 1963	321.603	Vetoed	HB 1854
301.3174	Amended	HB 1963	321.621	New	HB 1682
301.3176	New	HB 1963	324.008	Repealed	HB 1511
302.020	Amended	HB 1963	324.009	Amended	HB 1511
302.026	New	HB 1963	324.009	Amended	HB 2046
302.170	Amended	HB 1963	324.012	New	HB 2046
302.181	Amended	HB 1963	324.025	New	HB 2046
302.205	New	HB 1963	324.035	New	HB 2046
302.720	Amended	HB 1963	324.047	Amended	HB 2046
302.723	New	HB 1963	324.086	Amended	HB 2046
303.026	Amended	HB 1963	324.217	Amended	HB 2046
303.200	Amended	SB 551	324.262	Amended	HB 2046
303.200	Amended	HB 1963	324.265	Amended	HB 2046
304.170	Amended	HB 1963	324.436	Amended	HB 2046
304.172	Amended	HB 1963	324.496	Amended	HB 2046
304.180	Amended	HB 1963	324.523	Amended	HB 2046
305.800	New	HB 1963	324.940	Amended	HB 2046
305.802	New	HB 1963	324.1112	Amended	HB 2046
305.804	New	HB 1963	324.1118	Amended	HB 2046
305.806	New	HB 1963	326.277	Amended	HB 2046
305.808	New	HB 1963	326.280	Amended	HB 2046

**TABLE OF SECTIONS AFFECTED BY 2020 LEGISLATION,
100TH GENERAL ASSEMBLY, SECOND REGULAR SESSION**

SECTION	ACTION	BILL	SECTION	ACTION	BILL
326.289	Amended	HB 2046	334.715	Amended	HB 2046
327.131	Amended	HB 2046	334.717	Amended	HB 2046
327.221	Amended	HB 2046	334.719	Repealed	HB 2046
327.312	Amended	HB 2046	334.721	Amended	HB 2046
327.381	Amended	HB 2046	334.725	Amended	HB 2046
327.441	Amended	HB 2046	334.920	Amended	HB 2046
327.612	Amended	HB 2046	336.030	Amended	HB 2046
328.075	Amended	HB 2046	336.080	Amended	HB 2046
328.150	Amended	HB 2046	336.110	Amended	HB 2046
329.140	Amended	HB 2046	337.020	Amended	HB 2046
331.030	Amended	HB 2046	337.029	Amended	HB 2046
331.060	Amended	HB 2046	337.035	Amended	HB 2046
332.231	Amended	HB 2046	337.050	Amended	HB 2046
332.251	Amended	HB 2046	337.330	Amended	HB 2046
332.281	Amended	HB 2046	337.510	Amended	HB 2046
332.291	Amended	HB 2046	337.525	Amended	HB 2046
333.041	Amended	HB 2046	337.615	Amended	HB 2046
334.414	Amended	HB 2046	337.630	Amended	HB 2046
334.530	Amended	HB 2046	337.644	Amended	HB 2046
334.613	Amended	HB 2046	337.645	Amended	HB 2046
334.616	Amended	HB 2046	337.665	Amended	HB 2046
334.655	Amended	HB 2046	337.715	Amended	HB 2046
334.702	Amended	HB 2046	337.730	Amended	HB 2046
334.703	New	HB 2046	338.035	Amended	HB 1682
334.704	Amended	HB 2046	338.210	Amended	HB 1682
334.706	Amended	HB 2046	338.215	New	HB 1682
334.708	Amended	HB 2046	338.220	Amended	HB 1682
334.710	Amended	HB 2046	338.220	Amended	HB 2046
334.712	Amended	HB 2046	338.260	Amended	HB 1682

**TABLE OF SECTIONS AFFECTED BY 2020 LEGISLATION,
100TH GENERAL ASSEMBLY, SECOND REGULAR SESSION**

SECTION	ACTION	BILL	SECTION	ACTION	BILL
338.550	Amended	HB 2456	370.110	Amended	SB 599
339.040	Amended	HB 2046	370.120	Amended	SB 599
339.100	Amended	HB 2046	370.130	Amended	SB 599
339.511	Amended	HB 2046	370.151	Amended	SB 599
339.532	Amended	HB 2046	370.170	Amended	SB 599
344.030	Amended	HB 1682	370.190	Amended	SB 599
344.030	Amended	HB 2046	370.200	Amended	SB 599
344.050	Amended	HB 2046	370.220	Amended	SB 599
345.015	Amended	HB 2046	370.230	Amended	SB 599
345.050	Amended	HB 1682	370.235	Amended	SB 599
345.050	Amended	HB 2046	370.260	Amended	SB 599
345.065	Amended	HB 2046	370.270	Repealed	SB 599
346.055	Amended	HB 2046	370.275	Amended	SB 599
346.105	Amended	HB 2046	370.288	New	SB 599
347.740	Amended	SB 631	370.310	Amended	SB 599
351.127	Amended	SB 631	370.340	Amended	SB 599
355.023	Amended	SB 631	370.350	Amended	SB 599
356.233	Amended	SB 631	370.355	Amended	SB 599
359.653	Amended	SB 631	370.356	Amended	SB 599
362.1015	Amended	SB 599	370.358	Amended	SB 599
362.1030	Amended	SB 599	370.359	Amended	SB 599
362.1037	Amended	SB 599	376.383	Amended	HB 1682
362.1040	Amended	SB 599	376.387	Amended	HB 1682
362.1070	Amended	SB 599	376.393	New	HB 1682
367.031	Amended	HB 1655	376.782	Amended	SB 551
370.010	Amended	SB 599	376.782	Amended	HB 1682
370.020	Amended	SB 599	376.945	Amended	SB 599
370.030	Amended	SB 599	376.945	Amended	HB 1682
370.071	Amended	SB 599	376.1345	Amended	HB 1682

**TABLE OF SECTIONS AFFECTED BY 2020 LEGISLATION,
100TH GENERAL ASSEMBLY, SECOND REGULAR SESSION**

SECTION	ACTION	BILL	SECTION	ACTION	BILL
376.1578	Amended	HB 1682	409.6-604	Amended	SB 599
376.1590	New	SB 551	417.018	Amended	SB 631
379.122	Vetoed	SB 718	431.056	Amended	HB 1414
379.402	New	SB 551	436.230	Amended	HB 2046
379.404	New	SB 551	442.145	New	HB 1655
379.860	Amended	SB 551	443.717	Amended	SB 599
383.155	Amended	SB 551	443.825	Amended	SB 599
383.160	Amended	SB 551	443.855	Amended	SB 599
383.175	Amended	SB 551	443.857	Amended	SB 599
385.015	Amended	SB 599	453.121	Amended	HB 1414
392.020	Amended	HB 1768	476.419	New	SB 599
393.1009	Amended	HB 2120	486.200	Repealed	HB 1655
393.1012	Amended	HB 2120	486.205	Repealed	HB 1655
393.1015	Amended	HB 2120	486.210	Repealed	HB 1655
400.9-528	Amended	SB 631	486.215	Repealed	HB 1655
407.020	Amended	SB 591	486.220	Repealed	HB 1655
407.025	Amended	SB 591	486.225	Repealed	HB 1655
407.815	Amended	HB 1963	486.230	Repealed	HB 1655
407.1025	Amended	HB 1963	486.235	Repealed	HB 1655
407.1329	Amended	HB 1963	486.240	Repealed	HB 1655
408.512	Amended	SB 599	486.245	Repealed	HB 1655
409.605	Amended	SB 599	486.250	Repealed	HB 1655
409.610	Amended	SB 599	486.255	Repealed	HB 1655
409.615	Amended	SB 599	486.260	Repealed	HB 1655
409.620	Amended	SB 599	486.265	Repealed	HB 1655
409.625	Amended	SB 599	486.270	Repealed	HB 1655
409.630	Amended	SB 599	486.275	Repealed	HB 1655
409.3-302	Amended	SB 599	486.280	Repealed	HB 1655
409.4-412	Amended	SB 599	486.285	Repealed	HB 1655

**TABLE OF SECTIONS AFFECTED BY 2020 LEGISLATION,
100TH GENERAL ASSEMBLY, SECOND REGULAR SESSION**

SECTION	ACTION	BILL	SECTION	ACTION	BILL
486.290	Repealed	HB 1655	486.625	New	HB 1655
486.295	Repealed	HB 1655	486.630	New	HB 1655
486.300	Repealed	HB 1655	486.635	New	HB 1655
486.305	Repealed	HB 1655	486.640	New	HB 1655
486.310	Repealed	HB 1655	486.645	New	HB 1655
486.315	Repealed	HB 1655	486.650	New	HB 1655
486.320	Repealed	HB 1655	486.655	New	HB 1655
486.325	Repealed	HB 1655	486.660	New	HB 1655
486.330	Repealed	HB 1655	486.665	New	HB 1655
486.335	Repealed	HB 1655	486.670	New	HB 1655
486.340	Repealed	HB 1655	486.675	New	HB 1655
486.345	Repealed	HB 1655	486.680	New	HB 1655
486.350	Repealed	HB 1655	486.685	New	HB 1655
486.355	Repealed	HB 1655	486.690	New	HB 1655
486.360	Repealed	HB 1655	486.695	New	HB 1655
486.365	Repealed	HB 1655	486.700	New	HB 1655
486.370	Repealed	HB 1655	486.705	New	HB 1655
486.375	Repealed	HB 1655	486.710	New	HB 1655
486.380	Repealed	HB 1655	486.715	New	HB 1655
486.385	Repealed	HB 1655	486.725	New	HB 1655
486.390	Repealed	HB 1655	486.730	New	HB 1655
486.395	Repealed	HB 1655	486.735	New	HB 1655
486.396	Repealed	HB 1655	486.740	New	HB 1655
486.405	Repealed	HB 1655	486.745	New	HB 1655
486.600	New	HB 1655	486.750	New	HB 1655
486.605	New	HB 1655	486.755	New	HB 1655
486.610	New	HB 1655	486.760	New	HB 1655
486.615	New	HB 1655	486.765	New	HB 1655
486.620	New	HB 1655	486.770	New	HB 1655

**TABLE OF SECTIONS AFFECTED BY 2020 LEGISLATION,
100TH GENERAL ASSEMBLY, SECOND REGULAR SESSION**

SECTION	ACTION	BILL	SECTION	ACTION	BILL
486.775	New	HB 1655	486.975	New	HB 1655
486.780	New	HB 1655	486.980	New	HB 1655
486.785	New	HB 1655	486.985	New	HB 1655
486.790	New	HB 1655	486.990	New	HB 1655
486.795	New	HB 1655	486.995	New	HB 1655
486.800	New	HB 1655	486.1000	New	HB 1655
486.805	New	HB 1655	486.1005	New	HB 1655
486.810	New	HB 1655	486.1010	New	HB 1655
486.815	New	HB 1655	486.1100	New	HB 1655
486.820	New	HB 1655	486.1105	New	HB 1655
486.825	New	HB 1655	486.1110	New	HB 1655
486.830	New	HB 1655	486.1115	New	HB 1655
486.900	New	HB 1655	486.1120	New	HB 1655
486.902	New	HB 1655	486.1125	New	HB 1655
486.905	New	HB 1655	486.1130	New	HB 1655
486.910	New	HB 1655	486.1135	New	HB 1655
486.915	New	HB 1655	486.1140	New	HB 1655
486.920	New	HB 1655	486.1145	New	HB 1655
486.925	New	HB 1655	486.1150	New	HB 1655
486.930	New	HB 1655	486.1155	New	HB 1655
486.935	New	HB 1655	486.1160	New	HB 1655
486.940	New	HB 1655	486.1165	New	HB 1655
486.945	New	HB 1655	486.1170	New	HB 1655
486.947	New	HB 1655	486.1175	New	HB 1655
486.950	New	HB 1655	486.1180	New	HB 1655
486.955	New	HB 1655	486.1185	New	HB 1655
486.960	New	HB 1655	486.1190	New	HB 1655
486.965	New	HB 1655	486.1195	New	HB 1655
486.970	New	HB 1655	486.1200	New	HB 1655

**TABLE OF SECTIONS AFFECTED BY 2020 LEGISLATION,
100TH GENERAL ASSEMBLY, SECOND REGULAR SESSION**

SECTION	ACTION	BILL	SECTION	ACTION	BILL
486.1205	New	HB 1655	595.201	New	SB 569
506.384	Vetoed	HB 1854	595.202	New	SB 569
510.261	New	SB 591	595.220	Amended	SB 569
510.263	Amended	SB 591	610.021	Vetoed	HB 1854
510.265	Amended	SB 591	610.100	Amended	HB 1682
537.033	Amended	SB 913	620.2005	Vetoed	SB 718
537.115	Amended	HB 1711	620.2005	Vetoed	HB 1854
538.205	Amended	SB 591	620.2010	Vetoed	SB 718
538.210	Amended	SB 591	620.2010	Vetoed	HB 1854
545.140	Amended	SB 600	620.2250	Vetoed	HB 1854
556.061	Amended	SB 600	620.2451	Amended	HB 1768
557.021	Amended	SB 600	620.2456	Amended	HB 1768
557.045	New	SB 600	620.2459	Amended	HB 1768
562.014	Amended	SB 600	620.2459	Amended	HB 2120
570.027	New	SB 600	632.460	New	HB 1963
571.015	Amended	SB 600	633.401	Amended	HB 2456
571.070	Amended	SB 600	640.141	New	HB 2120
571.104	Amended	SB 656	640.142	New	HB 2120
577.001	Amended	HB 1963	640.144	New	HB 2120
577.800	New	HB 1963	640.145	New	HB 2120
578.419	New	SB 600	650.005	Vetoed	SB 718
578.421	Amended	SB 600	701.200	New	HB 2120
578.423	Amended	SB 600	Section 1	New	SB 591
578.425	Amended	SB 600	Section 1	New	HB 1330
578.700	New	HB 1655	Section 1	New	HB 1414
579.060	Amended	HB 1682	Section 1	New	HB 1682
579.060	Amended	HB 1896	Section 2	New	HB 1330
579.065	Amended	HB 1896	Section 2	New	HB 1682
579.068	Amended	HB 1896	Section 3	New	HB 1330

**TABLE OF SECTIONS AFFECTED BY 2020 LEGISLATION,
100TH GENERAL ASSEMBLY, SECOND REGULAR SESSION**

SECTION	ACTION	BILL
Section 3	New	HB 1682
Section 4	New	HB 1330
Section 4	New	HB 1682
Section 5	New	HB 1330
Section 6	New	HB 1330
Section 7	New	HB 1330
Section B	New	SB 631
Section B	New	HB 1330
Section B	New	HB 1682
Section B	New	HB 1896
Section B	New	HB 1963
Section B	Vetoed	SB 718
Section C	New	HB 1682

The classifications of generic sections appear in the Disposition of Sections table published in the Revised Statutes of Missouri and the annual supplements.

**TABLE OF SECTIONS AFFECTED BY 2020 LEGISLATION,
100TH GENERAL ASSEMBLY, FIRST EXTRAORDINARY SESSION**

SECTION	ACTION	BILL
84.344	Amended	HB 46
285.040	New	HB 46
491.641	New	HB 66
Section B	New	HB 46
Section B	New	HB 66

**TABLE OF SECTIONS AFFECTED BY 2020 LEGISLATION,
100TH GENERAL ASSEMBLY, SECOND EXTRAORDINARY SESSION**

Only HB 14, an appropriation bill, was passed during the
100th General Assembly, Second Extraordinary Session.

HCS HB 2001

Appropriates money to the Board of Fund Commissioners

AN ACT to appropriate money to the Board of Fund Commissioners for the cost of issuing and processing State Water Pollution Control Bonds, Stormwater Control Bonds, and Fourth State Building Bonds, as provided by law, to include payments from the Water Pollution Control Bond and Interest Fund, Stormwater Control Bond and Interest Fund, and Fourth State Building Bond and Interest Fund, and to transfer money among certain funds for the period beginning July 1, 2020, and ending June 30, 2021.

Be it enacted by the General Assembly of the state of Missouri, as follows:

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28, of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2020, and ending June 30, 2021, as follows:

SECTION 1.005. — To the Board of Fund Commissioners
For annual fees, arbitrage rebate, refunding, defeasance, and related expenses
From General Revenue Fund (0101) \$15,000

SECTION 1.010. — There is transferred out of the State Treasury, to the Fourth
State Building Bond and Interest Fund for currently outstanding general
obligations
From General Revenue Fund (0101) \$4,157,025

SECTION 1.015. — To the Board of Fund Commissioners
For payment of interest and sinking fund requirements on fourth state building
bonds currently outstanding as provided by law
From Fourth State Building Bond and Interest Fund (Various) \$4,170,950

SECTION 1.020. — There is transferred out of the State Treasury, to the Water
Pollution Control Bond and Interest Fund for currently outstanding general
obligations
From General Revenue Fund (0101) \$10,483,829

There is transferred out of the State Treasury, to the Water Pollution Control
Bond and Interest Fund for currently outstanding general obligations
From Water and Wastewater Loan Revolving Fund (0602)..... 1,104,987
Total..... \$11,588,816

SECTION 1.025. — To the Board of Fund Commissioners
For payment of issuance costs, interest, and sinking fund requirements on water
pollution control bonds currently outstanding as provided by law
From Water Pollution Control Bond and Interest Fund (Various) \$11,596,007

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 1.030. — There is transferred out of the State Treasury, to the Stormwater Control Bond and Interest Fund for currently outstanding general obligations
From General Revenue Fund (0101)\$1,778,000

SECTION 1.035. — To the Board of Fund Commissioners
For payment of issuance costs, interest, and sinking fund requirements on stormwater control bonds currently outstanding as provided by law
From Stormwater Control Bond and Interest Fund (Various)\$1,778,500

Bill Totals

General Revenue Fund.....	\$16,433,854
Other Funds.....	<u>1,104,987</u>
Total.....	\$17,538,841

Approved June 30, 2020

CCS SCS HS HCS HB 2002

Appropriates money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2020 and ending June 30, 2021.

Be it enacted by the General Assembly of the state of Missouri, as follows:

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2020 and ending June 30, 2021, as follows:

***SECTION 2.005.** —To the Department of Elementary and Secondary Education
For the Division of Financial and Administrative Services, provided that not more than three percent (3%) flexibility is allowed from this section to Section 2.400
Personal Service.....\$1,886,621
Expense and Equipment.....119,518
From General Revenue Fund (0101)2,006,139

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Personal Service.....	2,013,272
Expense and Equipment.....	694,290
From Elementary and Secondary Education - Federal Fund (0105).....	2,707,562
Total (Not to exceed 73.00 F.T.E.)	\$4,713,701

*I hereby veto \$3,562, including \$1,959 general revenue, for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$1,959 from \$119,518 to \$117,559 from General Revenue Fund.
From \$2,006,139 to \$2,004,180 in total from General Revenue Fund.

Expense and Equipment by \$1,603 from \$694,290 to \$692,687 from Elementary and Secondary Education - Federal Fund.

From \$2,707,562 to \$2,705,959 in total from Elementary and Secondary Education - Federal Fund.

From \$4,713,701 to \$4,710,139 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 2.010. — To the Department of Elementary and Secondary Education

For refunds

From Elementary and Secondary Education - Federal Fund (0105).....	\$50,000
From Vocational Rehabilitation Fund (0104)	20,000
Total.....	\$70,000

***SECTION 2.015.** — To the Department of Elementary and Secondary Education

For distributions to the free public schools of \$3,924,829,889 under the School Foundation Program as provided in Chapter 163, RSMo, provided that no funds are used to support the distribution or sharing of any individually identifiable student data for non-educational purposes, marketing or advertising, as follows:

For the Foundation Formula, provided that the State Adequacy Target pursuant to Section 163.011 RSMo shall not exceed \$6,375.....	\$3,553,211,885
For Transportation	93,947,713
For Early Childhood Special Education	206,543,263
For Vocational Education, provided that no funds are used for advertising.....	50,069,028
For Early Childhood Development, provided that the Department of Elementary and Secondary Education shall coordinate the delivery of services under the Parents as Teachers Program with the Home Visiting Program within the Department of Social Services.....	20,558,000
For Early Childhood Development in unaccredited or provisionally accredited districts, provided that the Department of Elementary and Secondary Education shall coordinate the delivery of services under the Parents as Teachers Program with the Home Visiting Program within the Department of Social Services	500,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

From General Revenue Fund (0101)	2,350,917,172
From Outstanding Schools Trust Fund (0287).....	836,804,068
From State School Moneys Fund (0616).....	206,185,098
From Lottery Proceeds Fund (0291).....	153,099,442
From Classroom Trust Fund (0784)	353,359,576
From Early Childhood Development, Education and Care Fund (0859)	24,464,533
For the Small Schools Program	
From General Revenue Fund (0101)	15,000,000
For State Board of Education operated school programs, provided that not more than twenty-five percent (25%) flexibility is allowed between personal service and expense and equipment, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 2.400	
Personal Service.....	27,496,414
Expense and Equipment.....	<u>18,157,546</u>
From General Revenue Fund (0101)	45,653,960
Personal Service.....	759,015
Expense and Equipment.....	<u>7,007,231</u>
From Elementary and Secondary Education - Federal Fund (0105).....	7,766,246
Expense and Equipment	
From Bingo Proceeds for Education Fund (0289).....	<u>1,876,355</u>
Total (Not to exceed 672.92 F.T.E.)	\$3,995,126,450

*I hereby veto \$15,035, including \$12,254 general revenue, for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$12,254 from \$18,157,546 to \$18,145,292 from General Revenue Fund.

From \$45,653,960 to \$45,641,706 in total from General Revenue Fund.

Expense and Equipment by \$2,781 from \$7,007,231 to \$7,004,450 from Elementary and Secondary Education - Federal Fund.

From \$7,766,246 to \$7,763,465 in total from Elementary and Secondary Education - Federal Fund.

From \$3,995,126,450 to \$3,995,111,415 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 2.016. — To the Department of Elementary and Secondary Education
For distributions to the free public schools under the Coronavirus Aid, Relief,
and Economic Security Act

From Department of Elementary and Secondary Education Federal

Emergency Relief Fund (2305) \$208,443,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 2.017. — To the Department of Elementary and Secondary Education
For distributions of the Governor's Emergency Education Relief Funds to the
free public schools under the Coronavirus Aid, Relief, and Economic
Security Act
From Department of Elementary and Secondary Education Federal
Emergency Relief Fund (2305) \$30,000,000

SECTION 2.018. — To the Department of Elementary and Secondary Education
For the free public schools
From Department of Elementary and Secondary Education
Federal Stimulus Fund (2300) \$2,000,000,000

SECTION 2.020. — To the Department of Elementary and Secondary Education
For the School Nutrition Services Program to reimburse schools for school food
programs
From General Revenue Fund (0101) \$3,412,151
From Elementary and Secondary Education - Federal Fund (0105) 318,031,026
Total \$321,443,177

SECTION 2.025. — To the Department of Elementary and Secondary Education
For a program to recruit, train, and/or develop teachers to teach in academically
struggling school districts
From General Revenue Fund (0101) \$1,700,000

SECTION 2.030. — To the Department of Elementary and Secondary Education
For planning, design, procurement, and implementation of a K-3 reading
assessment system for preliminary identification of students at risk for
dyslexia and related disorders including analysis of phonological and
phonemic awareness, rapid automatic naming, alphabetic principle, phonics,
reading fluency, spelling, reading accuracy, vocabulary, and reading
comprehension
From General Revenue Fund (0101) \$400,000

SECTION 2.035. — To the Department of Elementary and Secondary Education
Funds are to be transferred out of the State Treasury to the STEM Career
Awareness Program Fund
From General Revenue Fund (0101) \$250,000

SECTION 2.040. — To the Department of Elementary and Secondary Education
For the STEM Career Awareness Program
From STEM Career Awareness Program Fund (0997) \$250,000

SECTION 2.045. — To the Department of Elementary and Secondary Education
Funds are to be transferred out of the State Treasury to the Computer Science
Education Fund
From General Revenue Fund (0101) \$450,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 2.050. — To the Department of Elementary and Secondary Education For Computer Science Education From Computer Science Education Fund (0423)		\$450,000
SECTION 2.055. — To the Department of Elementary and Secondary Education For distributions to the public elementary and secondary schools in this state, pursuant to Chapters 144, 163, and 164, RSMo, pertaining to the School District Trust Fund From School District Trust Fund (0688)		\$958,400,000
SECTION 2.056. — To the Department of Elementary and Secondary Education For the Missouri Scholars and Fine Arts Academies From General Revenue Fund (0101)		\$1
SECTION 2.060. — To the Department of Elementary and Secondary Education For grants to establish safe schools programs addressing active shooter response training and school safety measures, provided that grants are to be distributed by a statewide education organization whose directors consist entirely of public school board members, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 2.400 From General Revenue Fund (0101)		\$300,000
SECTION 2.061. — To the Department of Elementary and Secondary Education For a public school located in any city of the third classification with more than eight thousand but fewer than nine thousand inhabitants and located in any county of the third classification without a township form of government and with more than sixteen thousand but fewer than eighteen thousand inhabitants, for a pilot model that uses integrated student support in collaboration with local communities to address barriers to student success From General Revenue Fund (0101)		\$200,000
SECTION 2.066. — To the Department of Elementary and Secondary Education For a statewide, competitively-bid school safety program From Elementary and Secondary Education - Federal Fund (0105)		\$2,000,000
SECTION 2.070. — To the Department of Elementary and Secondary Education For the Virtual Schools Program From General Revenue Fund (0101)		\$200,000
From Lottery Proceeds Fund (0291)		389,778
For a statewide, competitively-bid virtual education program developed by a public K-12 institution From General Revenue Fund (0101)		<u>500,000</u>
Total		\$1,089,778
SECTION 2.075. — To the Department of Elementary and Secondary Education For costs associated with school district bonds From School District Bond Fund (0248)		\$492,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 2.080. — To the Department of Elementary and Secondary Education For receiving and expending grants, donations, contracts, and payments from private, federal, and other governmental agencies which may become available between sessions of the General Assembly provided that the General Assembly shall be notified of the source of any new funds and the purpose for which they shall be expended, in writing, prior to the use of said funds and further provided that no funds shall be used to implement or support the Common Core Standards

Personal Service.....	\$3,500
Expense and Equipment.....	<u>46,500</u>
From Vocational Rehabilitation Fund (0104)	50,000
Expense and Equipment	
From Elementary and Secondary Education - Federal Fund (0105).....	<u>14,950,000</u>
Total.....	\$15,000,000

SECTION 2.085. — To the Department of Elementary and Secondary Education For the Commissioner of Education to provide funds to public schools, eligible for Federal E-rate reimbursement, to be used as a state match of up to ten percent (10%) of E-rate eligible special construction costs under the Federal E-rate program pursuant to 47 CFR 54.505, and to provide additional funds to eligible public schools in the amount necessary to bring the total support from Federal universal service combined with state funds under this section to one hundred percent (100%) of E-rate eligible special construction costs, provided that no funds are used to construct broadband facilities to schools and libraries where such facilities already exist providing at least 100mbps symmetrical service; and further provided that to the extent such funds are used to construct broadband facilities, the construction, ownership and maintenance of such facilities shall be procured through a competitive bidding process; and further provided that funds shall only be expended for telecommunications, telecommunications services, and internet access and no funds shall be expended for internal connections, managed internal broadband services, or basic maintenance of internal connections

From School Broadband Fund (0208)	\$3,000,000
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***SECTION 2.090.** — To the Department of Elementary and Secondary Education
For the Division of Learning Services, provided that not more than three percent (3%) flexibility is allowed from this section to Section 2.400, and further provided that no funds are used to support the collection, distribution, or sharing of any individually identifiable student data with the federal government; with the exception of the reporting requirements of the Migrant Education Program funds in Section 2.125, the Vocational Rehabilitation funds in Section 2.170, and the Disability Determination funds in Section 2.175

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Personal Service.....	\$3,847,188
Expense and Equipment.....	<u>282,560</u>
From General Revenue Fund (0101).....	4,129,748
Personal Service.....	6,878,045
Expense and Equipment.....	<u>3,721,747</u>
From Elementary and Secondary Education - Federal Fund (0105).....	10,599,792
Personal Service.....	667,488
Expense and Equipment.....	<u>2,315,163</u>
From Excellence in Education Fund (0651).....	2,982,651
For the Office of Adult Learning and Rehabilitative Services	
Personal Service.....	30,624,181
Expense and Equipment.....	<u>3,620,096</u>
From Vocational Rehabilitation Fund (0104).....	<u>34,244,277</u>
Total (Not to exceed 884.86 F.T.E.).....	\$51,956,468

*I hereby veto \$74,219, including \$9,168 general revenue, for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$9,168 from \$282,560 to \$273,392 from General Revenue Fund.
From \$4,129,748 to \$4,120,580 in total from General Revenue Fund.

Expense and Equipment by \$21,177 from \$3,721,747 to \$3,700,570 from Elementary and Secondary Education - Federal Fund.
From \$10,599,792 to \$10,578,615 in total from Elementary and Secondary Education - Federal Fund.

Expense and Equipment by \$3,548 from \$2,315,163 to \$2,311,615 from Excellence in Education Fund.
From \$2,982,651 to \$2,979,103 in total from Excellence in Education Fund.

Expense and Equipment by \$40,326 from \$3,620,096 to \$3,579,770 from Vocational Rehabilitation Fund.
From \$34,244,277 to \$34,203,951 in total from Vocational Rehabilitation Fund.
From \$51,956,468 to \$51,882,249 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 2.091. — To the Department of Elementary and Secondary Education
For funding an early literacy program targeting third grade reading success in academically struggling school districts which provides a full continuum of school-based, early literacy intervention services, for all grades Pre-K through third grade, consisting of developmentally appropriate components for each grade delivered each day school is in session by professionally

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

coached, full-time interventionists who collect data regularly and use an intervention model that is comprehensive, has been proven to be effective in one or more empirical studies, and is provided by a not-for-profit organization to a Local Education Agency or community-based early childhood center

From General Revenue Fund (0101) \$250,000

SECTION 2.095. — To the Department of Elementary and Secondary Education For reimbursements to school districts for the Early Childhood Program, Hard-to-Reach Incentives, and Parent Education in conjunction with the Early Childhood Education and Screening Program, provided that not more than three percent (3%) flexibility is allowed from this section to Section 2.400

From General Revenue Fund (0101) \$198,200

From Elementary and Secondary Education - Federal Fund (0105) 500,000

For development of a voluntary early learning quality assurance report

From General Revenue Fund (0101) 119,713

For the Missouri Preschool Program and Early Childhood Program administration and assessment, provided that not more than three percent (3%) flexibility is allowed from this section to Section 2.400, and further provided that no annual grant award under the Missouri Preschool Program exceed \$350,000, and further provided no annual grant award under the Missouri Preschool Program be awarded to any preschool program that receives funding through the Foundation Formula

From Early Childhood Development, Education and Care Fund (0859) 2,124,717

For receiving and expending early childhood education grants

From Elementary and Secondary Education - Federal Fund (0105) 11,200,000

Total..... \$14,142,630

SECTION 2.100. — To the Department of Elementary and Secondary Education For the School Age Afterschool Program

From Elementary and Secondary Education - Federal Fund (0105) \$21,577,278

SECTION 2.105. — To the Department of Elementary and Secondary Education For the Performance Based Assessment Program, provided that no funds are used to support the collection, distribution, or sharing of any individually identifiable student data with the federal government; with the exception of the reporting requirements of the Migrant Education Program funds in Section 2.125, the Vocational Rehabilitation funds in Section 2.170, and the Disability Determination funds in Section 2.175, and further provided that no funds from this section shall be used for license fees or membership dues for the Smarter Balanced Assessment Consortium

From General Revenue Fund (0101) \$9,472,213

From Elementary and Secondary Education - Federal Fund (0105) 7,800,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

From Lottery Proceeds Fund (0291).....	4,311,255
Total.....	\$21,583,468

SECTION 2.110. — To the Department of Elementary and Secondary Education
 For distributions to providers of vocational education programs
 From Elementary and Secondary Education - Federal Fund (0105).....\$23,000,000

SECTION 2.115. — To the Department of Elementary and Secondary Education
 For dyslexia programs, provided that not more than three percent (3%) flexibility
 is allowed from this section to Section 2.400
 From General Revenue Fund (0101).....\$400,000

SECTION 2.120. — To the Department of Elementary and Secondary Education
 For the Missouri Healthy Schools, Successful Students Program
 From Elementary and Secondary Education - Federal Fund (0105).....\$283,148

SECTION 2.125. — To the Department of Elementary and Secondary Education
 For improving the academic achievement of the disadvantaged programs
 operated by local education agencies under Title I of the Elementary and
 Secondary Education Act of 1965 as amended by the Every Student
 Succeeds Act of 2015
 From Elementary and Secondary Education - Federal Fund (0105).....\$260,000,000

SECTION 2.130. — To the Department of Elementary and Secondary Education
 For the homeless children and youth program under Title IX, Part A of the
 Elementary and Secondary Education Act of 1965 as amended by the Every
 Student Succeeds Act of 2015
 From Elementary and Secondary Education - Federal Fund (0105).....\$1,500,000

SECTION 2.135. — To the Department of Elementary and Secondary Education
 For programs for the gifted from interest earnings accruing in the Stephen
 Morgan Ferman Memorial for Education of the Gifted
 From State School Moneys Fund (0616).....\$9,027

SECTION 2.140. — To the Department of Elementary and Secondary Education
 For the Supporting Effective Instruction Grants Program pursuant to Title II of
 the Elementary and Secondary Education Act of 1965 as amended by the
 Every Student Succeeds Act of 2015
 From Elementary and Secondary Education - Federal Fund (0105).....\$44,000,000

SECTION 2.145. — To the Department of Elementary and Secondary Education
 For the Rural Education Initiative grants pursuant to Title V, Part B of the
 Elementary and Secondary Education Act of 1965 as amended by the Every
 Student Succeeds Act of 2015
 From Elementary and Secondary Education - Federal Fund (0105).....\$3,500,000

SECTION 2.150. — To the Department of Elementary and Secondary Education
For language acquisition pursuant to Title III of the Elementary and Secondary
Education Act of 1965 as amended by the Every Student Succeeds Act of
2015

From Elementary and Secondary Education - Federal Fund (0105).....\$5,800,000

SECTION 2.155. — To the Department of Elementary and Secondary Education
For Student Support and Enrichment grants pursuant to Title IV, Part A of the
Elementary and Secondary Education Act of 1965 as amended by the Every
Student Succeeds Act of 2015

From Elementary and Secondary Education - Federal Fund (0105).....\$21,000,000

SECTION 2.160. — To the Department of Elementary and Secondary Education
For the Refugee Children School Impact Grants Program

From Elementary and Secondary Education - Federal Fund (0105)..... \$300,000

SECTION 2.161. — To the Department of Elementary and Secondary Education
For character education initiatives

From General Revenue Fund (0101)\$1

SECTION 2.165. — To the Department of Elementary and Secondary Education
For the Teacher of the Year Program

From Elementary and Secondary Education - Federal Fund (0105)..... \$40,000

SECTION 2.170. — To the Department of Elementary and Secondary Education
For the Vocational Rehabilitation Program

From General Revenue Fund (0101)\$14,616,241

From Vocational Rehabilitation Fund (0104) 51,877,223

From Lottery Proceeds Fund (0291)..... 1,400,000

For Payments by the Department of Mental Health

From Vocational Rehabilitation Fund (0104) 1,000,000

Total.....\$68,893,464

SECTION 2.175. — To the Department of Elementary and Secondary Education
For the Disability Determination Program

From Vocational Rehabilitation Fund (0104)\$24,162,577

SECTION 2.180. — To the Department of Elementary and Secondary Education
For Independent Living Centers, provided that not more than three percent (3%)
flexibility is allowed from this section to Section 2.400

From General Revenue Fund (0101)\$1,860,000

From Vocational Rehabilitation Fund (0104) 1,402,546

From Independent Living Center Fund (0284)..... 390,556

For an equal increase on a percentage basis for Independent Living Centers that
receive additional funding directly from the federal government

From General Revenue Fund (0101) 160,555

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For equalization of state funding to Independent Living Centers that do not receive additional funding directly from the federal government	
From General Revenue Fund (0101)	<u>1,339,446</u>
Total	<u>\$5,153,103</u>

SECTION 2.185. — To the Department of Elementary and Secondary Education	
For distributions to educational institutions for the Adult Basic Education Program, provided that not more than three percent (3%) flexibility is allowed from this section to Section 2.400	
From General Revenue Fund (0101)	<u>\$5,014,868</u>
From Elementary and Secondary Education - Federal Fund (0105)	<u>9,999,155</u>
Total	<u>\$15,014,023</u>

SECTION 2.195. — To the Department of Elementary and Secondary Education	
For the Troops to Teachers Program	
From Elementary and Secondary Education - Federal Fund (0105)	<u>\$95,000</u>

SECTION 2.200. — To the Department of Elementary and Secondary Education	
For the Special Education Program	
From Elementary and Secondary Education - Federal Fund (0105)	<u>\$244,873,391</u>

SECTION 2.205. — To the Department of Elementary and Secondary Education	
For special education excess costs	
From General Revenue Fund (0101)	<u>\$39,946,351</u>
From Lottery Proceeds Fund (0291)	<u>19,590,000</u>
Total	<u>\$59,536,351</u>

SECTION 2.210. — To the Department of Elementary and Secondary Education	
For the First Steps Program, provided that not more than three percent (3%) flexibility is allowed from this section to Section 2.400	
From General Revenue Fund (0101)	<u>\$37,818,953</u>
From Elementary and Secondary Education - Federal Fund (0105)	<u>10,993,757</u>
From Part C Early Intervention Fund (0788)	<u>11,500,000</u>
Total	<u>\$60,312,710</u>

SECTION 2.215. — To the Department of Elementary and Secondary Education	
For payments to school districts for children in residential placements through the Department of Mental Health or the Department of Social Services pursuant to Section 167.126, RSMo	
From General Revenue Fund (0101)	<u>\$625,000</u>
From Lottery Proceeds Fund (0291)	<u>4,750,000</u>

For payments to school districts for children in residential placements through the Department of Mental Health or the Department of Social Services pursuant to Section 167.126, RSMo, provided that said placements make up at least thirty percent (30%) of an eligible district's prior year average daily attendance

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

From Lottery Proceeds Fund (0291).....	<u>250,000</u>
Total.....	\$5,625,000

SECTION 2.220. — To the Department of Elementary and Secondary Education
For the Sheltered Workshops Program, provided that not more than three percent
(3%) flexibility is allowed from this section to Section 2.400

From General Revenue Fund (0101)	\$26,041,961
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SECTION 2.225. — To the Department of Elementary and Secondary Education
For payments to readers for blind or visually-disabled students in elementary and
secondary schools, provided that not more than three percent (3%) flexibility
is allowed from this section to Section 2.400

From General Revenue Fund (0101)	\$25,000
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SECTION 2.230. — To the Department of Elementary and Secondary Education
For a task force on blind student academic and vocational performance, provided
that not more than three percent (3%) flexibility is allowed from this section
to Section 2.400

From General Revenue Fund (0101)	\$231,953
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SECTION 2.235. — To the Department of Elementary and Secondary Education
For the Missouri School for the Deaf

From School for the Deaf Trust Fund (0922).....	\$49,500
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SECTION 2.240. — To the Department of Elementary and Secondary Education
For the Missouri School for the Blind

From School for the Blind Trust Fund (0920)	\$1,500,000
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SECTION 2.245. — To the Department of Elementary and Secondary Education
For the Missouri Special Olympics Program, provided that not more than three
percent (3%) flexibility is allowed from this section to Section 2.400

From General Revenue Fund (0101)	\$100,000
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SECTION 2.250. — To the Department of Elementary and Secondary Education
For the Missouri Schools for the Severely Disabled

From Handicapped Children's Trust Fund (0618)	\$200,000
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***SECTION 2.255.** — To the Department of Elementary and Secondary
Education

For the Missouri Charter Public School Commission, provided that not more
than ten percent (10%) flexibility is allowed from personal service to
expense and equipment

Personal Service.....	\$277,278
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Expense and Equipment.....	<u>806,614</u>
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From Charter Public School Commission Revolving Fund (0860)	1,083,892
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EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Expense and Equipment	
From Charter Public School Commission Federal Fund (0175)	500,000
From Charter Public School Commission Trust Fund (0862)	<u>2,000,000</u>
Total (Not to exceed 3.00 F.T.E.).....	\$3,583,892

*I hereby veto \$807 Charter Public School Commission Revolving Fund for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$807 from \$806,614 to \$805,807 from Charter Public School Commission Revolving Fund.
 From \$1,083,892 to \$1,083,085 in total from Charter Public School Commission Revolving Fund.
 From \$3,583,892 to \$3,583,085 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 2.260.** — To the Department of Elementary and Secondary Education

For the Missouri Commission for the Deaf and Hard of Hearing, provided that not more than three percent (3%) flexibility is allowed from this section to Section 2.400

Personal Service.....	\$372,202
Expense and Equipment.....	<u>131,475</u>
From General Revenue Fund (0101)	503,677

For grants to organizations providing deaf-blind services pursuant to Section 161.412.1, RSMo

From General Revenue Fund (0101)	300,000
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Personal Service.....	35,471
Expense and Equipment.....	<u>119,000</u>
From Missouri Commission for the Deaf and Hard of Hearing Fund (0743)	154,471

Expense and Equipment	
From Missouri Commission for the Deaf and Hard of Hearing Board of Certification of Interpreters Fund (0264).....	<u>150,842</u>
Total (Not to exceed 8.00 F.T.E.).....	\$1,108,990

*I hereby veto \$1,123, including \$702 general revenue, for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$702 from \$131,475 to \$130,773 from General Revenue Fund.
 From \$503,677 to \$502,975 in total from General Revenue Fund.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
 Matter in bold-face type is proposed language.

Expense and Equipment by \$421 from \$150,842 to \$150,421 from Missouri Commission for the Deaf and Hard of Hearing Board of Certification of Interpreters Fund.

From \$1,108,990 to \$1,107,867 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 2.265. — To the Department of Elementary and Secondary Education
Funds are to be transferred out of the State Treasury to the Statewide Hearing
Aid Distribution Fund
From General Revenue Fund (0101) \$100,000

SECTION 2.270. — To the Department of Elementary and Secondary Education
For the Missouri Commission for the Deaf and Hard of Hearing
For the Statewide Hearing Aid Distribution Program
From Statewide Hearing Aid Distribution Fund (0617)..... \$200,000

***SECTION 2.275.** — To the Department of Elementary and Secondary
Education
For the Missouri Assistive Technology Council
Personal Service..... \$216,822
Expense and Equipment..... 571,274
From Assistive Technology Federal Fund (0188) 788,096

Personal Service..... 238,870
Expense and Equipment..... 1,639,827
From Deaf Relay Service and Equipment Distribution Program Fund (0559) 1,878,697

Personal Service..... 54,749
Expense and Equipment..... 575,000
From Assistive Technology Loan Revolving Fund (0889) 629,749

Expense and Equipment
From Assistive Technology Trust Fund (0781)..... 1,080,000

For the payment of refunds set off against debt as required by Section 143.786,
RSMo

From Debt Offset Escrow Fund (0753)..... 1,000
Total (Not to exceed 9.40 F.T.E.)..... \$4,377,542

*I hereby veto \$630 federal and other funds for a \$.06 increase in the mileage reimbursement rate.
This increase was not part of my budget recommendations. This veto is necessary to ensure a
balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$568 from \$571,274 to \$570,706 from Assistive Technology Federal
Fund.

From \$788,096 to \$787,528 in total from Assistive Technology Federal Fund.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Expense and Equipment by \$62 from \$1,639,827 to \$1,639,765 from Deaf Relay Service and Equipment Distribution Program Fund.

From \$1,878,697 to \$1,878,635 in total from Deaf Relay Service and Equipment Distribution Program Fund.

From \$4,377,542 to \$4,376,912 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 2.280. — To the Department of Elementary and Secondary Education

Funds are to be transferred out of the State Treasury, chargeable to the General Revenue Fund-County Foreign Tax Distribution, to the State School Moneys Fund

From General Revenue Fund (0101)\$136,908,313

SECTION 2.285. — To the Department of Elementary and Secondary Education

Funds are to be transferred out of the State Treasury to the State School Moneys Fund

From Fair Share Fund (0687)\$19,200,000

SECTION 2.290. — To the Department of Elementary and Secondary Education

Funds are to be transferred out of the State Treasury to the Outstanding Schools Trust Fund

From General Revenue Fund (0101)\$836,600,000

SECTION 2.295. — To the Department of Elementary and Secondary Education

Funds are to be transferred out of the State Treasury to the Classroom Trust Fund

From Gaming Proceeds for Education Fund (0285)\$335,000,000

SECTION 2.300. — To the Department of Elementary and Secondary Education

Funds are to be transferred out of the State Treasury to the Classroom Trust Fund

From Lottery Proceeds Fund (0291)\$18,359,576

SECTION 2.305. — To the Department of Elementary and Secondary Education

Funds are to be transferred out of the State Treasury to the School District Bond Fund

From Gaming Proceeds for Education Fund (0285)\$492,000

SECTION 2.310. — To the Department of Elementary and Secondary Education

Funds are to be transferred out of the State Treasury to the State School Moneys Fund

From School Building Revolving Fund (0279)\$1,500,000

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Matter in bold-face type is proposed language.

SECTION 2.315. — To the Department of Elementary and Secondary Education

Funds are to be transferred out of the State Treasury to the State School
Moneys Fund

From After-School Retreat Reading and Assessment Grant Program Fund

(0732) \$2,000

SECTION 2.400. — To the Department of Elementary and Secondary Education

Funds are to be transferred out of the State Treasury, for the payment of
claims, premiums, and expenses as provided by Sections 105.711 through
105.726, RSMo, to the State Legal Expense Fund

From General Revenue Fund (0101) \$1

Bill Totals:

General Revenue Fund.....\$3,537,751,617

Federal Funds.....3,374,984,074

Other Funds.....1,617,697,894

Total.....\$8,530,433,585

Approved June 30, 2020

CCS SCS HS HCS HB 2003

Appropriates money for the expenses, grants, refunds, and distributions of the Department of Higher Education and Workforce Development

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education and Workforce Development, the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2020, and ending June 30, 2021.

Be it enacted by the General Assembly of the state of Missouri, as follows:

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, fund transfer, and program described herein for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated, for the period beginning July 1, 2020, and ending June 30, 2021, as follows:

PART 1

SECTION 3.000. Each appropriation in this act shall consist of the item or items in each section of Part 1 of this act, for the amount and purpose and from the fund designated in each section of Part 1, as well as all additional clarifications of purpose in Part 2 of this act that make reference by section to said item or items in Part 1. Any clarifications of purpose in Part 2 shall

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Matter in bold-face type is proposed language.

state the section or sections in Part 1 to which it attaches and shall, together with the language of said section(s) in Part 1, form the complete statement of purpose of the appropriation. As such, the provisions of Part 2 of this act shall not be severed from Part 1, and if any clarification of purpose in Part 2 is for any reason held to be invalid, such decision shall invalidate all of the appropriations in this act of which said clarification of purpose is a part.

***SECTION 3.005.** — To the Department of Higher Education and Workforce Development

For Higher Education Coordination and for grant and scholarship program administration, provided that not more than five percent (5%) flexibility is allowed between personal service and expense and equipment, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 3.130

Personal Service.....	\$2,266,532
Expense and Equipment.....	564,828
From General Revenue Fund (0101)	2,831,360

Personal Service.....	40,527
Expense and Equipment.....	16,850
From Department of Higher Education Out-of-State Program Fund (0420).....	57,377

For dual credit certification

Personal Service.....	36,276
Expense and Equipment.....	18,059
From Dual Credit Certification Fund (0541)	54,335

For workshops and conferences sponsored by the Department of Higher Education and Workforce Development, and for distribution of federal funds to higher education institutions, to be paid for on a cost-recovery basis and for returning unspent grant funds to the original grantor organization

From Quality Improvement Revolving Fund (0537)	75,000
Total (Not to exceed 46.03 F.T.E.)	\$3,018,072

*I hereby veto \$798 general revenue for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

For Higher Education Coordination and for grant and scholarship program administration.
Expense and Equipment by \$798 from \$564,828 to \$564,030 from General Revenue Fund.
From \$2,831,360 to \$2,830,562 in total from General Revenue Fund.

I hereby veto \$54,335 Dual Credit Certification Fund for the Dual Credit Certification Program. This new program was not part of my budget recommendations and would result in additional fees on the state's higher education institutions, something not appropriate given the revenue shortfalls occurring at these institutions.

For dual credit certification.

Personal Service from \$36,276 to \$0 from Dual Credit Certification Fund.

Expense and Equipment from \$18,059 to \$0 from Dual Credit Certification Fund.

From \$54,335 to \$0 in total from Dual Credit Certification Fund.

From \$3,018,072 to \$2,962,939 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 3.007. — To the Department of Higher Education and Workforce Development

For distributions of the Governor's Emergency Education Relief Funds to institutions of higher education under the Coronavirus Aid, Relief, and Economic Security Act

From the Department of Higher Education and Workforce Development

Federal Emergency Relief Fund (2315).....\$23,643,000

SECTION 3.015. — To the Department of Higher Education and Workforce Development

For regulation of proprietary schools as provided in Section 173.600, RSMo

Personal Service.....\$226,187

Expense and Equipment..... 92,148

From Proprietary School Certification Fund (0729)

(Not to exceed 5.00 F.T.E.).....\$318,335

SECTION 3.020. — To the Department of Higher Education and Workforce Development

For indemnifying individuals as a result of improper actions on the part of proprietary schools as provided in Section 173.612, RSMo

From Proprietary School Bond Fund (0760).....\$400,000

SECTION 3.025. — To the Department of Higher Education and Workforce Development

For annual membership in the Midwestern Higher Education Compact

From General Revenue Fund (0101)\$115,000

SECTION 3.030. — To the Department of Higher Education and Workforce Development

For receiving and expending donations and federal funds, provided that the General Assembly shall be notified of the source of any new funds and the purpose for which they shall be expended, in writing, prior to the expenditure of said funds and further provided that no funds shall be used to implement or support the Common Core Standards

From Department of Higher Education and Workforce Development

Federal Fund (0116)\$1,000,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 3.035. — To the Department of Higher Education and Workforce Development

For receiving and expending donations and funds other than federal funds, provided that the General Assembly shall be notified of the source of any new funds and the purpose for which they shall be expended, in writing, prior to the expenditure of said funds and further provided that no funds shall be used to implement or support the Common Core Standards

From State Institutions Gift Trust Fund (0925).....\$1,000,000

SECTION 3.040. — To the Department of Higher Education and Workforce Development

Funds are to be transferred out of the State Treasury to the Academic Scholarship Fund, provided that not more than three percent (3%) flexibility is allowed from this section to Section 3.130

From General Revenue Fund (0101)\$18,176,666

From State Institutions Gift Trust Fund (0925)..... 2,000,000

Total.....\$20,176,666

SECTION 3.045. — To the Department of Higher Education and Workforce Development

For the Higher Education Academic Scholarship Program pursuant to Chapter 173, RSMo

From Academic Scholarship Fund (0840)\$21,676,666

SECTION 3.050. — To the Department of Higher Education and Workforce Development

Funds are to be transferred out of the State Treasury to the Access Missouri Financial Assistance Fund, provided that not more than three percent (3%) flexibility is allowed from this section to Section 3.130

From General Revenue Fund (0101)\$45,954,385

From Lottery Proceeds Fund (0291)..... 11,916,667

From State Institutions Gift Trust Fund (0925)..... 6,000,000

From Missouri Student Grant Program Gift Fund (0272)..... 50,000

Total.....\$63,921,052

SECTION 3.055. — To the Department of Higher Education and Workforce Development

For the Access Missouri Financial Assistance Program pursuant to Chapter 173, RSMo

From Access Missouri Financial Assistance Fund (0791).....\$76,960,000

SECTION 3.060. — To the Department of Higher Education and Workforce Development

Funds are to be transferred out of the State Treasury to the A+ Schools Fund, provided that not more than three percent (3%) flexibility is allowed from this section to Section 3.130

From General Revenue Fund (0101)\$17,453,878

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

From Lottery Proceeds Fund (0291).....	21,659,448
From State Institutions Gift Trust Fund (0925).....	<u>2,000,000</u>
Total.....	\$41,113,326

SECTION 3.065. — To the Department of Higher Education and Workforce
Development

For the A+ Schools Program From A+ Schools Fund (0955)	\$42,700,000
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SECTION 3.070. — To the Department of Higher Education and Workforce
Development

Funds are to be transferred out of the State Treasury to the Fast-Track
Workforce Incentive Grant Fund, provided that not more than three percent
(3%) flexibility is allowed from this section to Section 3.130

From General Revenue Fund (0101)	\$1,000,000
From Lottery Proceeds Fund (0291).....	1,000,000
From the Department of Higher Education and Workforce Development Federal Emergency Relief Fund (2315).....	<u>1,000,000</u>
Total	\$3,000,000

SECTION 3.075. — To the Department of Higher Education and Workforce
Development

For the Fast-Track Workforce Incentive Grant Program, provided that any Fast-Track Workforce Incentive Grant toward a scholarship at a private four-year institution is limited to not more than the in-state tuition and fees for the University of Missouri-Columbia, and further provided that any Fast-Track Workforce Incentive Grant toward a scholarship at a private two-year institution is limited to not more than the in-state tuition, fees, and charges at a most comparable program at the Missouri two-year public institution From Fast-Track Workforce Incentive Grant Fund (0488).....	\$3,500,000
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SECTION 3.080. — To the Department of Higher Education and Workforce
Development

For Advanced Placement grants for Access Missouri Financial Assistance Program and A+ Schools Program recipients From AP Incentive Grant Fund (0983).....	\$100,000
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SECTION 3.085. — To the Department of Higher Education and Workforce
Development

For the Public Service Officer or Employee Survivor Grant Program pursuant to Section 173.260, RSMo, provided that not more than three percent (3%) flexibility is allowed from this section to Section 3.130 From General Revenue Fund (0101)	\$153,000
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EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 3.090. — To the Department of Higher Education and Workforce Development	
For the Veterans' Survivors Grant Program pursuant to Section 173.234, RSMo, provided that not more than three percent (3%) flexibility is allowed from this section to Section 3.130	
From General Revenue Fund (0101)	\$315,000
SECTION 3.095. — To the Department of Higher Education and Workforce Development	
For the Kids' Chance Scholarship Program pursuant to Chapter 173, RSMo	
From Kids' Chance Scholarship Fund (0878)	\$15,000
SECTION 3.100. — To the Department of Higher Education and Workforce Development	
For the Minority and Underrepresented Environmental Literacy Program pursuant to Section 640.240, RSMo, provided that not more than three percent (3%) flexibility is allowed from this section to Section 3.130	
From General Revenue Fund (0101)	\$32,964
*SECTION 3.105. — To the Department of Higher Education and Workforce Development	
For the Missouri Guaranteed Student Loan Program, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment	
Personal Service	\$634,796
Expense and Equipment	2,479,787
Default prevention activities	640,000
Payment of fees for collection of defaulted loans	8,000,000
Payment of penalties to the federal government associated with late deposit of default collections	500,000
From Guaranty Agency Operating Fund (0880)	
(Not to exceed 15.80 F.T.E.)	\$12,254,583
*I hereby veto \$547 Guaranty Agency Operating Fund for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.	
Expense and Equipment by \$547 from \$2,479,787 to \$2,479,240 from Guaranty Agency Operating Fund.	
From \$12,254,583 to \$12,254,036 in total for the section.	

MICHAEL L. PARSON
GOVERNOR

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 3.110. — To the Department of Higher Education and Workforce Development
 Funds are to be transferred out of the State Treasury to the Guaranty Agency Operating Fund
 From Federal Student Loan Reserve Fund (0881).....\$15,000,000

SECTION 3.115. — To the Department of Higher Education and Workforce Development
 For purchase of defaulted loans, payment of default aversion fees, reimbursement to the federal government, and investment of funds in the Federal Student Loan Reserve Fund
 From Federal Student Loan Reserve Fund (0881).....\$120,000,000

SECTION 3.120. — To the Department of Higher Education and Workforce Development
 For the transfer of refunds set off against debt as required by Section 143.786, RSMo
 From Debt Offset Escrow Fund (0753).....\$750,000

SECTION 3.125. — To the Department of Higher Education and Workforce Development
 Funds are to be transferred out of the State Treasury to the Federal Student Loan Reserve Fund
 From Guaranty Agency Operating Fund (0880).....\$1,000,000

SECTION 3.130. — To the Department of Higher Education and Workforce Development
 Funds are to be transferred out of the State Treasury, for the payment of claims, premiums, and expenses as provided by Section 105.711 through 105.726, RSMo, to the State Legal Expense Fund
 From General Revenue Fund (0101)\$1

***SECTION 3.135.** — To the Department of Higher Education and Workforce Development
 For the Division of Workforce Development
 For general administration of Workforce Development activities, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment
 Personal Service.....\$17,526,517
 Expense and Equipment..... 3,231,264
 From Job Development and Training Fund (0155)20,757,781

For the Show-Me Heroes Program
 From Show-Me Heroes Fund (0995)..... 500,000

For funding for persons with autism through a contract with a Southeast Missouri organization concentrating on the maximization of giftedness,

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
 Matter in bold-face type is proposed language.

workforce transition skills, independent living skills, and employment support services, provided that not more than three percent (3%) flexibility is allowed from this section to Section 3.130

From General Revenue Fund (0101)	200,000
Total (Not to exceed 344.02 F.T.E.)	\$21,457,781

*I hereby veto \$20,498 Job Development and Training Fund for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$20,498 from \$3,231,264 to \$3,210,766 from Job Development and Training Fund.

From \$20,757,781 to \$20,737,283 in total from Job Development and Training Fund.

From \$21,457,781 to \$21,437,283 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 3.140.** — To the Department of Higher Education and Workforce Development

For the Certified Work Ready Community Program, provided that not more than three percent (3%) flexibility is allowed from this section to Section 3.130

From General Revenue Fund (0101)	\$100,000
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For an organization located in a city not within a county that provides cost-free education, training and apprenticeships for computer programming

From General Revenue Fund (0101)	500,000
--	---------

For a Pre-Apprenticeship program within any city not within a county to assist minorities and women in the preparation for entry into construction contractor sponsored apprenticeship programs by providing curriculum that teaches core competencies the student will need before applying for a construction position

From Job Development and Training Fund (0155)	500,000
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For a historic local national organization, located within a home rule city with more than four hundred thousand inhabitants and located in more than one county, which enables disadvantaged persons to obtain self-sufficiency through job training and entrepreneurship

From Job Development and Training Fund (0155)	100,000
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For a Workforce for Pre-Apprenticeship training in any home rule city with more than four hundred thousand inhabitants and located in more than one county

From General Revenue Fund (0101)	100,000
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From Job Development and Training Fund (0155)	250,000
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EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For an organization providing services in a city not within a county, that facilitates supplemental education programs, job development and training, and community service programs for under-resourced individuals	
From Job Development and Training Fund (0155)	700,000
For job training and related activities	
From Job Development and Training Fund (0155)	66,750,000
From Special Employment Security Fund (0949)	1,000,000
For administration of programs authorized and funded by the United States Department of Labor, such as Trade Adjustment Assistance (TAA), and provided that all funds shall be expended from discrete accounts and that no monies shall be expended for funding administration of these programs by the Division of Workforce Development	
From Job Development and Training Fund (0155)	8,000,000
Total	\$78,000,000

*I hereby veto \$200,000 Job Development and Training Fund for a Pre-Apprenticeship program. This increased funding was not included in my budget recommendations and would leave the state unable to fully fund existing workforce programs from the currently available amount of federal funding.

For a Pre-Apprenticeship program within any city not within a county to assist minorities and women in the preparation for entry into construction contractor sponsored apprenticeship programs by providing curriculum that teaches core competencies the student will need before applying for a construction position.

By \$200,000 from \$500,000 to \$300,000 from Job Development and Training Fund.

I hereby veto \$100,000 Job Development and Training Fund for an organization providing services that facilitates supplemental education programs, job development and training, and community service programs for under-resourced individuals. This increased funding was not included in my budget recommendations and would leave the state unable to fully fund existing workforce programs from the currently available amount of federal funding.

For an organization providing services in a city not within a county, that facilitates supplemental education programs, job development and training, and community service programs for under-resourced individuals.

By \$100,000 from \$700,000 to \$600,000 from Job Development and Training Fund.

From \$78,000,000 to \$77,700,000 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 3.145. — To the Missouri University of Science and Technology

For phased expansion of Project Lead the Way in ten (10) southern Missouri counties. This funding will serve as state match for federal funding, and will provide pilot support for Project Lead the Way in a city of the fourth classification with more than one thousand nine hundred but fewer than two thousand one hundred inhabitants and located in any county of the third

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classification with a township form of government and with more than twenty-five thousand but fewer than twenty-eight thousand inhabitants and a county of the third classification without a township form of government and with more than thirty-three thousand but fewer than thirty-seven thousand inhabitants and with a city of the fourth classification with more than six thousand but fewer than seven thousand inhabitants as the county seat in affiliation with Missouri University of Science and Technology
 From General Revenue Fund (0101) \$250,000

SECTION 3.200. — To the Department of Higher Education and Workforce Development

For distribution to community colleges as provided in Section 163.191, RSMo, provided that not more than three percent (3%) flexibility is allowed from this section to Section 3.130 and further provided that no institution requires students to join a labor organization
 From General Revenue Fund (0101) \$118,639,790
 From Lottery Proceeds Fund (0291) 10,489,991
 From Department of Higher Education and Workforce Development
 Federal Stimulus Fund (2310) 47,856,837
 For distribution to community colleges for the purpose of equity adjustments
 From General Revenue Fund (0101) 10,044,016
 For maintenance and repair at community colleges, local matching funds must be provided on a 50/50 state/local match rate in order to be eligible for state funds
 From General Revenue Fund (0101) 4,396,718
 For the payment of refunds set off against debt as required by Section 143.786, RSMo
 From Debt Offset Escrow Fund (0753) 2,856,000
 Total \$194,283,352

SECTION 3.205. — To the State Technical College of Missouri, provided that not more than three percent (3%) flexibility is allowed from this section to Section 3.130

All Expenditures
 From General Revenue Fund (0101) \$4,944,739
 From Lottery Proceeds Fund (0291) 536,217
 From Department of Higher Education and Workforce Development
 Federal Stimulus Fund (2310) 2,010,124
 From Federal Budget Stabilization Fund (2390) 549,415
 For the payment of refunds set off against debt as required by Section 143.786, RSMo
 From Debt Offset Escrow Fund (0753) 30,000
 Total \$8,070,495

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
 Matter in bold-face type is proposed language.

SECTION 3.210. — To the University of Central Missouri, provided that not more than three percent (3%) flexibility is allowed from this section to Section 3.130

All Expenditures

From General Revenue Fund (0101)	\$44,358,658
From Lottery Proceeds Fund (0291)	6,050,959

From Department of Higher Education and Workforce Development

Federal Stimulus Fund (2310)	18,446,119
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From Federal Budget Stabilization Fund (2390)	4,928,740
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For the payment of refunds set off against debt as required by Section 143.786,

RSMo

From Debt Offset Escrow Fund (0753)	200,000
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Total	\$73,984,476
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SECTION 3.215. — To Southeast Missouri State University, provided that not more than three percent (3%) flexibility is allowed from this section to Section 3.130

All Expenditures

From General Revenue Fund (0101)	\$36,849,341
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From Lottery Proceeds Fund (0291)	4,935,757
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From Department of Higher Education and Workforce Development

Federal Stimulus Fund (2310)	15,293,156
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From Federal Budget Stabilization Fund (2390)	4,094,371
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For the payment of refunds set off against debt as required by Section 143.786,

RSMo

From Debt Offset Escrow Fund (0753)	200,000
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Total	\$61,372,625
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SECTION 3.220. — To Missouri State University, provided that not more than three percent (3%) flexibility is allowed from this section to Section 3.130

All Expenditures

From General Revenue Fund (0101)	\$75,897,847
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From Lottery Proceeds Fund (0291)	9,670,119
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From Department of Higher Education and Workforce Development

Federal Stimulus Fund (2310)	31,333,687
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From Federal Budget Stabilization Fund (2390)	8,433,094
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For the payment of refunds set off against debt as required by Section 143.786,

RSMo

From Debt Offset Escrow Fund (0753)	350,000
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Total	\$125,684,747
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SECTION 3.225. — To Lincoln University, provided that not more than three percent (3%) flexibility is allowed from this section to Section 3.130

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

All Expenditures	
From General Revenue Fund (0101)	\$14,189,221
From Lottery Proceeds Fund (0291)	1,814,072
From Department of Higher Education and Workforce Development	
Federal Stimulus Fund (2310)	7,156,731
From Federal Budget Stabilization Fund (2390)	1,576,580
For the purpose of funding the federal match requirement in the areas of agriculture extension and/or research	
From General Revenue Fund (0101)	3,890,320
For the payment of refunds set off against debt as required by Section 143.786, RSMo	
From Debt Offset Escrow Fund (0753)	200,000
Total	\$28,826,924

SECTION 3.230. — To Truman State University, provided that not more than
three percent (3%) flexibility is allowed from this section to Section 3.130
All Expenditures

From General Revenue Fund (0101)	\$33,375,741
From Lottery Proceeds Fund (0291)	4,576,165
From Department of Higher Education and Workforce Development	
Federal Stimulus Fund (2310)	13,886,774
From Federal Budget Stabilization Fund (2390)	3,708,416
For the payment of refunds set off against debt as required by Section 143.786, RSMo	
From Debt Offset Escrow Fund (0753)	200,000
Total	\$55,747,096

SECTION 3.235. — To Northwest Missouri State University, provided that not
more than three percent (3%) flexibility is allowed from this section to
Section 3.130
All Expenditures

From General Revenue Fund (0101)	\$25,058,989
From Lottery Proceeds Fund (0291)	3,342,740
From Department of Higher Education and Workforce Development	
Federal Stimulus Fund (2310)	10,395,373
From Federal Budget Stabilization Fund (2390)	2,784,388
For the payment of refunds set off against debt as required by Section 143.786, RSMo	
From Debt Offset Escrow Fund (0753)	200,000
Total	\$41,781,490

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 3.240. — To Missouri Southern State University, provided that not more than three percent (3%) flexibility is allowed from this section to Section 3.130

All Expenditures

From General Revenue Fund (0101)	\$19,439,758
From Lottery Proceeds Fund (0291).....	2,431,511
From Department of Higher Education and Workforce Development	
Federal Stimulus Fund (2310)	8,010,414
From Federal Budget Stabilization Fund (2390)	2,159,973

For the payment of refunds set off against debt as required by Section 143.786,
RSMo

From Debt Offset Escrow Fund (0753).....	200,000
Total.....	\$32,241,656

SECTION 3.245. — To Missouri Western State University, provided that not more than three percent (3%) flexibility is allowed from this section to Section 3.130

All Expenditures

From General Revenue Fund (0101)	\$17,867,185
From Lottery Proceeds Fund (0291).....	2,394,327
From Department of Higher Education and Workforce Development	
Federal Stimulus Fund (2310)	7,415,585
From Federal Budget Stabilization Fund (2390)	1,985,243

For the payment of refunds set off against debt as required by Section 143.786,
RSMo

From Debt Offset Escrow Fund (0753).....	275,000
Total.....	\$29,937,340

SECTION 3.250. — To Harris-Stowe State University, provided that not more than three percent (3%) flexibility is allowed from this section to Section 3.130

All Expenditures

From General Revenue Fund (0101)	\$8,381,053
From Lottery Proceeds Fund (0291).....	1,148,979
From Department of Higher Education and Workforce Development	
Federal Stimulus Fund (2310)	3,487,087
From Federal Budget Stabilization Fund (2390)	931,228

For the payment of refunds set off against debt as required by Section 143.786,
RSMo

From Debt Offset Escrow Fund (0753).....	200,000
Total.....	\$14,148,347

SECTION 3.255. — To the University of Missouri
For operation of its various campuses and programs

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

All Expenditures	
From General Revenue Fund (0101)	\$332,454,715
From Lottery Proceeds Fund (0291)	46,842,748
From Department of Higher Education and Workforce Development	
Federal Stimulus Fund (2310)	138,745,625
From Federal Budget Stabilization Fund (2390)	36,939,413
For the University of Missouri Precision Medicine Initiative	
From Federal Budget Stabilization Fund (2390)	10,000,000
For the Greenley Research Center for research related to the "Water Works for	
Agriculture in Missouri" initiative	
From General Revenue Fund (0101)	275,000
For the payment of refunds set off against debt as required by Section 143.786,	
RSMo	
From Debt Offset Escrow Fund (0753)	<u>1,400,000</u>
Total	\$566,657,501

SECTION 3.265. — To the University of Missouri

For a program designed to increase international collaboration and economic
opportunity located at the University of Missouri - St. Louis

From General Revenue Fund (0101)	\$416,622
From Federal Budget Stabilization Fund (2390)	<u>133,378</u>
Total	\$550,000

SECTION 3.270. — To the University of Missouri

For the Missouri Telehealth Network, provided that not more than three percent
(3%) flexibility is allowed from this section to Section 3.130

All Expenditures	
From General Revenue Fund (0101)	\$437,640
For the purpose of creating and implementing up to eight (8) Extension for	
Community Healthcare Outcomes Programs. Four (4) of the programs shall	
focus on Hepatitis, Diabetes, Chronic Pain Management, and Childhood	
Asthma	
From General Revenue Fund (0101)	<u>1,500,000</u>
Total	\$1,937,640

SECTION 3.275. — To the University of Missouri

For a program of research into spinal cord injuries

All Expenditures	
From Spinal Cord Injury Fund (0578)	\$1,500,000

SECTION 3.280. — To the University of Missouri

For the treatment of renal disease in a statewide program, provided that not more
than three percent (3%) flexibility is allowed from this section to Section
3.130

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

All Expenditures
From General Revenue Fund (0101)\$1,750,000

SECTION 3.285. — To the University of Missouri
For the State Historical Society, provided that not more than three percent (3%)
flexibility is allowed from this section to Section 3.130

All Expenditures
From General Revenue Fund (0101)\$2,966,345
From Federal Budget Stabilization Fund (2390) 288,022
Total.....\$3,254,367

SECTION 3.290. — To the Board of Curators of the University of Missouri
For investment in registered federal, state, county, municipal, or school district
bonds as provided by law
From Seminary Fund (0872)\$3,000,000

SECTION 3.295. — To the Board of Curators of the University of Missouri
For use by the University of Missouri pursuant to Sections 172.610 through
172.720, RSMo
From State Seminary Moneys Fund (0623)\$275,000

PART 2

SECTION 3.300. — To the Department of Higher Education and Workforce
Development and public institutions of higher education
In reference to all sections in Part 1 of this act:
No funds shall be expended at public institutions of higher education that
offer a tuition rate to any student with an unlawful immigration status in the
United States that is less than the tuition rate charged to international
students.

SECTION 3.305. — To the Department of Higher Education and Workforce
Development and public institutions of higher education
In reference to all sections in Part 1 of this act:
No scholarship funds shall be expended on behalf of students with an
unlawful immigration status in the United States.

Bill Totals
General Revenue Fund.....\$844,315,952
Federal Funds.....505,750,554
Other Funds..... 278,819,330
Total.....\$1,628,885,836

Approved June 30, 2020

CCS SCS HS HCS HB 2004

Appropriates money for the expenses, grants, refunds, and distributions of the Department of Revenue, the Department of Transportation

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue, the Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2020, and ending June 30, 2021.

Be it enacted by the General Assembly of the state of Missouri, as follows:

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, fund transfer, and program described herein for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2020, and ending June 30, 2021, as follows:

PART 1

SECTION 4.000. Each appropriation in this act shall consist of the item or items in each section of Part 1 of this act, for the amount and purpose and from the fund designated in each section of Part 1, as well as all additional clarifications of purpose in Part 2 of this act that make reference by section to said item or items in Part 1. Any clarification of purpose in Part 2 shall state the section or sections in Part 1 to which it attaches and shall, together with the language of said section(s) in Part 1, form the complete statement of purpose of the appropriation. As such, the provisions of Part 2 of this act shall not be severed from Part 1, and if any clarification of purpose in Part 2 is for any reason held to be invalid, such decision shall invalidate all of the appropriations in this act of which said clarification of purpose is a part.

***SECTION 4.005. — To the Department of Revenue**

For collecting highway related fees and taxes, provided ten percent (10%) flexibility is allowed between personal service and expense and equipment, ten percent (10%) flexibility is allowed between Sections 4.005, 4.010, 4.015, 4.020, and 4.025, and three percent (3%) flexibility is allowed from this section to Section 4.170

Personal Service.....	\$7,492,870
Annual salary adjustment in accordance with Section 105.005, RSMo.....	1,424
Expense and Equipment.....	<u>2,676,178</u>
From General Revenue Fund (0101)	10,170,472
Personal Service.....	7,821,786
Annual salary adjustment in accordance with Section 105.005, RSMo.....	199

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Expense and Equipment.....	<u>6,323,763</u>
From State Highways and Transportation Department Fund (0644).....	14,145,748

For a new motor vehicle and driver licensing computer system, including design and procurement analysis, provided three percent (3%) flexibility is allowed from this section to Section 4.170

Personal Service	
From General Revenue Fund (0101)	<u>189,692</u>
Total (Not to exceed 437.54 F.T.E.)	\$24,505,912

*I hereby veto \$397, including \$147 general revenue, for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$147 from \$2,676,178 to \$2,676,031 from General Revenue Fund.
From \$10,170,472 to \$10,170,325 in total from General Revenue Fund.

Expense and Equipment by \$250 from \$6,323,763 to \$6,323,513 from State Highways and Transportation Department Fund.
From \$14,145,748 to \$14,145,498 in total from State Highways and Transportation Department Fund.

From \$24,505,912 to \$24,505,515 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 4.007. — To the Department of Revenue

For technology and infrastructure costs due to the COVID-19 crisis

Expense and Equipment	
From Department of Revenue Federal Stimulus Fund (2380).....	\$329,066

For collecting motor vehicle and driver's license related fees and taxes due to the COVID-19 crisis

Personal Service.....	427,109
Expense and Equipment.....	<u>1,110,000</u>
From Department of Revenue Federal Stimulus Fund (2380).....	<u>1,537,109</u>
Total (Not to exceed 9.00 F.T.E.).....	\$1,866,175

***SECTION 4.010.** — To the Department of Revenue

For the Division of Taxation, provided ten percent (10%) flexibility is allowed between personal service and expense and equipment, ten percent (10%) flexibility is allowed between Sections 4.005, 4.010, 4.015, 4.020, and 4.025, and three percent (3%) flexibility is allowed from this section to Section 4.170

Personal Service.....	\$19,340,231
Expense and Equipment.....	<u>2,291,270</u>
From General Revenue Fund (0101)	21,631,501

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Personal Service.....	29,963
Expense and Equipment.....	<u>1,071</u>
From Petroleum Storage Tank Insurance Fund (0585)	31,034
Personal Service.....	36,471
Expense and Equipment.....	<u>2,818</u>
From Petroleum Inspection Fund (0662).....	39,289
Personal Service.....	56,198
Expense and Equipment.....	<u>4,163</u>
From Health Initiatives Fund (0275).....	60,361
Personal Service.....	609,453
Expense and Equipment.....	<u>8,277</u>
From Conservation Commission Fund (0609)	617,730
For organizational dues, provided three percent (3%) flexibility is allowed from this section to Section 4.170	
From General Revenue Fund (0101)	212,401
For the integrated tax system, provided three percent (3%) flexibility is allowed from this section to Section 4.170	
Expense and Equipment	
From General Revenue Fund (0101)	<u>7,500,000</u>
Total (Not to exceed 505.00 F.T.E.)	\$30,092,316

*I hereby veto \$1,982 general revenue for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$1,982 from \$2,291,270 to \$2,289,288 from General Revenue Fund.
From \$21,631,501 to \$21,629,519 in total from General Revenue Fund.
From \$30,092,316 to \$30,090,334 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 4.015. — To the Department of Revenue

For the Division of Motor Vehicle and Driver Licensing, provided ten percent (10%) flexibility is allowed between personal service and expense and equipment, ten percent (10%) flexibility is allowed between Sections 4.005, 4.010, 4.015, 4.020, and 4.025, and three percent (3%) flexibility is allowed from this section to Section 4.170

Personal Service.....	\$403,414
Expense and Equipment.....	<u>380,232</u>
From General Revenue Fund (0101)	783,646

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Personal Service.....	2,861
Expense and Equipment.....	<u>160,776</u>
From Department of Revenue - Federal Fund (0132)	163,637
Personal Service.....	211,924
Expense and Equipment.....	<u>245,840</u>
From Motor Vehicle Commission Fund (0588)	457,764
Personal Service.....	7,212
Expense and Equipment.....	<u>9,953</u>
From Department of Revenue Specialty Plate Fund (0775).	<u>17,165</u>
Total (Not to exceed 32.05 F.T.E.)	\$1,422,212

***SECTION 4.020.** — To the Department of Revenue

For the Division of Legal Services, provided ten percent (10%) flexibility is allowed between personal service and expense and equipment, ten percent (10%) flexibility is allowed between Sections 4.005, 4.010, 4.015, 4.020, and 4.025, and three percent (3%) flexibility is allowed from this section to Section 4.170

Personal Service.....	\$2,076,598
Expense and Equipment.....	<u>113,308</u>
From General Revenue Fund (0101)	2,189,906

Personal Service.....	225,376
Expense and Equipment.....	<u>211,427</u>
From Department of Revenue - Federal Fund (0132)	436,803

Personal Service.....	464,504
Expense and Equipment.....	<u>28,118</u>
From Motor Vehicle Commission Fund (0588)	492,622

Personal Service.....	43,985
Expense and Equipment.....	<u>3,323</u>
From Tobacco Control Special Fund (0984).....	<u>47,308</u>
Total (Not to exceed 63.30 F.T.E.)	\$3,166,639

*I hereby veto \$374 general revenue for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$374 from \$113,308 to \$112,934 from General Revenue Fund.

From \$2,189,906 to \$2,189,532 in total from General Revenue Fund.

From \$3,166,639 to \$3,166,265 in total for the section.

MICHAEL L. PARSON
GOVERNOR

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

***SECTION 4.025.** — To the Department of Revenue

For the Division of Administration, provided ten percent (10%) flexibility is allowed between personal service and expense and equipment, ten percent (10%) flexibility is allowed between Sections 4.005, 4.010, 4.015, 4.020, and 4.025, and three percent (3%) flexibility is allowed from this section to Section 4.170

Personal Service.....	\$1,458,701
Annual salary adjustment in accordance with Section 105.005, RSMo.....	321
Expense and Equipment.....	<u>318,618</u>
From General Revenue Fund (0101)	1,777,640
Personal Service.....	57,116
Expense and Equipment.....	<u>3,470,006</u>
From Department of Revenue - Federal Fund (0132)	3,527,122
Personal Service.....	27,480
Expense and Equipment.....	<u>1,462,900</u>
From Child Support Enforcement Fund (0169).....	1,490,380

For postage, provided three percent (3%) flexibility is allowed from this section to Section 4.170

Expense and Equipment	
From General Revenue Fund (0101)	3,043,011
From Health Initiatives Fund (0275).....	5,373
From Motor Vehicle Commission Fund (0588)	44,029
From Conservation Commission Fund (0609)	<u>1,343</u>
Total (Not to exceed 43.66 F.T.E.)	\$9,888,898

*I hereby veto \$407 general revenue for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$407 from \$318,618 to \$318,211 from General Revenue Fund.

From \$1,777,640 to \$1,777,233 in total from General Revenue Fund.

From \$9,888,898 to \$9,888,491 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 4.030. — To the Department of Revenue

For distribution to port authorities to expand, develop, and redevelop advanced industrial manufacturing zones including the satisfaction of bonds, managerial, engineering, legal, research, promotion, and planning expenses

From Port Authority AIM Zone Fund (0583)	\$100,000
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EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 4.035. — To the Department of Revenue

For fees to counties as a result of delinquent collections made by circuit attorneys
or prosecuting attorneys and payment of collection agency fees

From General Revenue Fund (0101)\$2,900,000

SECTION 4.040. — To the Department of Revenue

For fees to counties for the filing of lien notices and lien releases

From General Revenue Fund (0101)\$200,000

SECTION 4.045. — To the Department of Revenue

For distribution to cities and counties of all funds accruing to the Motor Fuel Tax
Fund under the provisions of Sections 30(a) and 30(b), Article IV, of the
Constitution of Missouri

From Motor Fuel Tax Fund (0673).....\$195,000,000

SECTION 4.050. — To the Department of Revenue

For distribution of emblem use fee contributions collected for specialty plates

From General Revenue Fund (0101)\$20,000

SECTION 4.055. — To the Department of Revenue

For refunds for overpayment or erroneous payment of any tax or any payment
credited to the General Revenue Fund

From General Revenue Fund (0101)\$1,684,000,000

***SECTION 4.056.** — To the Department of Revenue

For refunds of overpayment of sales and use tax for which the taxpayer was
notified of the expansion of the Department of Revenue's interpretation of
the tax base by audit, and for the attendant costs incurred by taxpayers in
audit compliance

From General Revenue Fund (0101)\$100,000

From Other Funds (Various)40,000

Total.....\$140,000

*I hereby veto \$140,000, including \$100,000 general revenue, for sales and use tax refunds for which the taxpayer was notified of the expansion of the Department of Revenue's interpretation of the tax base by audit, and for the attendant costs incurred by taxpayers in audit compliance. Sufficient appropriation authority for sales and use tax refunds is already included in other refund lines within the budget. Additionally, in light of current economic conditions, the State of Missouri should not begin paying for the attendant costs incurred by taxpayers in audit compliance.

Said section is vetoed in its entirety.

From \$100,000 to \$0 from General Revenue Fund.

From \$40,000 to \$0 from Other Funds.

From \$140,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 4.060. — To the Department of Revenue

For refunds for overpayment or erroneous payment of any tax or any payment
credited to Federal and Other Funds

From Federal and Other Funds (Various)..... \$50,000

SECTION 4.065. — To the Department of Revenue

For refunds for any overpayment or erroneous payments of any tax or fee
credited to the State Highways and Transportation Department Fund

From State Highways and Transportation Department Fund (0644)..... \$2,290,564

SECTION 4.070. — To the Department of Revenue

For refunds for any overpayment or erroneous payment of any amount credited
to the Aviation Trust Fund

From Aviation Trust Fund (0952)..... \$50,000

SECTION 4.075. — To the Department of Revenue

For refunds and distributions of motor fuel taxes

From State Highways and Transportation Department Fund (0644)..... \$16,814,000

SECTION 4.080. — To the Department of Revenue

For refunds for overpayment or erroneous payment of any tax or any payment
credited to the Workers' Compensation Fund

From Workers' Compensation Fund (0652)..... \$2,000,000

SECTION 4.085. — To the Department of Revenue

For refunds for overpayment or erroneous payment of any tax or any payment
for tobacco taxes

From Health Initiatives Fund (0275)..... \$125,000

From State School Moneys Fund (0616)..... 25,000

From Fair Share Fund (0687)..... 11,000

Total..... \$161,000

SECTION 4.090. — To the Department of Revenue

For apportionments to the several counties and the City of St. Louis to offset
credits taken against the County Stock Insurance Tax

From General Revenue Fund (0101) \$135,700

SECTION 4.095. — To the Department of Revenue

For tax delinquencies set off by tax credits

From General Revenue Fund (0101) \$150,000

SECTION 4.100. — To the Department of Revenue

Funds are to be transferred out of the State Treasury to the Debt Offset
Escrow Fund in such amounts as may be necessary to make payments of
refunds set off against debts as required by Section 143.786, RSMo

From General Revenue Fund (0101) \$19,657,384

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 4.105. — To the Department of Revenue

Funds are to be transferred out of the State Treasury to the Circuit Courts
Escrow Fund in such amounts as may be necessary to make payments of
refunds set off against debts as required by Section 488.020(3), RSMo

From General Revenue Fund (0101)\$4,074,458

SECTION 4.110. — To the Department of Revenue

For refunds set off against debts as required by Section 143.786, RSMo

From Debt Offset Escrow Fund (0753).....\$1,339,119

SECTION 4.115. — To the Department of Revenue

Funds are to be transferred out of the State Treasury to the General Revenue
Fund

From School District Trust Fund (0688)\$2,500,000

SECTION 4.120. — To the Department of Revenue

Funds are to be transferred out of the State Treasury to the General Revenue
Fund in the amount of sixty-six hundredths percent of the funds received

From Parks Sales Tax Fund (0613).....\$325,000

SECTION 4.125. — To the Department of Revenue

Funds are to be transferred out of the State Treasury to the General Revenue
Fund in the amount of sixty-six hundredths percent of the funds received

From Soil and Water Sales Tax Fund (0614).....\$325,000

SECTION 4.130. — To the Department of Revenue

Funds are to be transferred out of the State Treasury for amounts from
income tax refunds designated by taxpayers for deposit in various income
tax check-off funds

From General Revenue Fund (0101)\$471,000

SECTION 4.135. — To the Department of Revenue

Funds are to be transferred out of the State Treasury to the General Revenue
Fund for amounts from income tax refunds erroneously deposited to various
funds

From Other Funds (Various)\$13,669

SECTION 4.140. — To the Department of Revenue

For distribution from the various income tax check-off charitable trust funds

From Other Funds (Various)\$50,000

SECTION 4.145. — To the Department of Revenue

Funds are to be transferred out of the State Treasury to the State Highways
and Transportation Department Fund

From Department of Revenue Information Fund (0619).....\$1,250,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 4.150. — To the Department of Revenue

Funds are to be transferred out of the State Treasury to the State Highways
and Transportation Department Fund

From Motor Fuel Tax Fund (0673).....\$560,178,001

SECTION 4.155. — To the Department of Revenue

Funds are to be transferred out of the State Treasury to the State Highways
and Transportation Department Fund

From Department of Revenue Specialty Plate Fund (0775) \$20,000

***SECTION 4.160.** — To the Department of Revenue

For the State Tax Commission, provided ten percent (10%) flexibility is allowed
between personal service and expense and equipment and three percent (3%)
flexibility is allowed from this section to Section 4.170

Personal Service.....\$2,152,065

Annual salary adjustment in accordance with Section 105.005,
RSMo..... 4,943

Expense and Equipment..... 169,955

From General Revenue Fund (0101)2,326,963

For the Productive Capability of Agricultural and Horticultural Land Use Study,
provided three percent (3%) flexibility is allowed from this section to
Section 4.170

Expense and Equipment

From General Revenue Fund (0101) 3,798

Total (Not to exceed 37.00 F.T.E.)\$2,330,761

*I hereby veto \$1,489 general revenue for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$1,489 from \$169,955 to \$168,466 from General Revenue Fund.

From \$2,326,963 to \$2,325,474 in total from General Revenue Fund.

From \$2,330,761 to \$2,329,272 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 4.165. — To the Department of Revenue

For the state's share of the costs and expenses incurred pursuant to an approved
assessment and equalization maintenance plan as provided by Chapter 137,
RSMo

From General Revenue Fund (0101)\$10,054,275

SECTION 4.170. — To the Department of Revenue

Funds are to be transferred out of the State Treasury to the State Legal
Expense Fund for the payment of claims, premiums, and expenses as
provided by Section 105.711 through 105.726, RSMo

From General Revenue Fund (0101)\$1

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

***SECTION 4.175.** — To the Department of Revenue

For the State Lottery Commission, provided ten percent (10%) flexibility is allowed between personal service and expense and equipment and all moneys received by the State Lottery Commission from the sale of Missouri lottery tickets and from all other sources shall be deposited in the State Lottery Fund, pursuant to Article III, Section 39(b) of the Missouri Constitution

Personal Service.....	\$7,465,907
Expense and Equipment, excluding any purposes for which appropriations have been made elsewhere in this section	8,970,352

For payments to vendors for costs of the design, manufacture, licensing, leasing, processing, and delivery of games administered by the State Lottery Commission, excluding any purposes for which appropriations have been made elsewhere in this section.....29,371,477

For payments to vendors for costs of the design, manufacture, licensing, leasing, processing, and delivery of no more than 500 video pull tab machines with a maximum of six machines per location in fraternal organizations only.....9,194,385

For advertising expenses	1,500,000
From Lottery Enterprise Fund (0657) (Not to exceed 153.50 F.T.E.)	\$56,502,121

*I hereby veto \$1,031 Lottery Enterprise Fund for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$1,031 from \$8,970,352 to \$8,969,321 from Lottery Enterprise Fund. From \$56,502,121 to \$56,501,090 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 4.180. — To the Department of Revenue

For the State Lottery Commission

For the payment of prizes

From State Lottery Fund (0682).....	\$174,075,218
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SECTION 4.185. — To the Department of Revenue

Funds are to be transferred out of the State Treasury to the Lottery Enterprise Fund

From State Lottery Fund (0682).....	\$72,979,593
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SECTION 4.190. — To the Department of Revenue

Funds are to be transferred out of the State Treasury to the Lottery Proceeds Fund

From State Lottery Fund (0682).....	\$337,032,500
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EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 4.400. — To the Department of Transportation

For the Highways and Transportation Commission and Highway Program

Administration

Personal Service.....\$19,459,017

Expense and Equipment..... 6,347,562

From State Road Fund (0320).....25,806,579

For costs related to license plate reissuance

Expense and Equipment

From State Road Fund (0320).....9,000,000

For organizational dues

From Multimodal Operations Federal Fund (0126) 5,000

From State Road Fund (0320)..... 70,000

From Railroad Expense Fund (0659)..... 5,000

Total (Not to exceed 343.57 F.T.E.)\$34,886,579

SECTION 4.406. — To the Department of Transportation

For payment of the state's contribution to the Missouri Department of

Transportation and Highway Patrol Employees' Retirement System,

provided fifty percent (50%) flexibility is allowed between Sections 4.406,

4.407, 4.408 and 4.409

Personal Service

From Multimodal Operations Federal Fund (0126)\$192,845

From Department of Transportation - Highway Safety Fund (0149)..... 195,328

From State Road Fund (0320).....147,726,922

From Railroad Expense Fund (0659)..... 287,185

From State Transportation Fund (0675) 98,475

From Aviation Trust Fund (0952)..... 307,422

Total.....\$148,808,177

SECTION 4.407. — To the Department of Transportation

For payment of the state's contribution for medical insurance, life insurance and

Employee Assistance Program benefits for active Missouri Department of

Transportation employees, provided fifty percent (50%) flexibility is

allowed between Sections 4.406, 4.407, 4.408 and 4.409

Personal Service

From Multimodal Operations Federal Fund (0126)\$54,761

From Department of Transportation - Highway Safety Fund (0149)..... 63,313

From Railroad Expense Fund (0659)..... 88,160

From State Transportation Fund (0675) 26,954

From Aviation Trust Fund (0952)..... 90,490

Personal Service.....53,015,698

Expense and Equipment..... 77,937From State Road Fund (0320)..... 53,093,635

Total.....\$53,417,313

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 4.408. — To the Department of Transportation

For payment of the state's contribution for medical and life insurance benefits for retired Missouri Department of Transportation employees, provided fifty percent (50%) flexibility is allowed between Sections 4.406, 4.407, 4.408 and 4.409

Expense and Equipment

From State Road Fund (0320) \$18,629,968

SECTION 4.409. — To the Department of Transportation

For the provision of workers' compensation benefits to Missouri Department of Transportation employees, provided fifty percent (50%) flexibility is allowed between Sections 4.406, 4.407, 4.408 and 4.409

Expense and Equipment

From State Road Fund (0320) \$7,964,796

***SECTION 4.410.** — To the Department of Transportation

For the Construction Program

To pay the cost of reimbursing counties and other political subdivisions for the acquisition of roads and bridges taken over by the state as permanent parts of the state highway system and for the costs of locating, relocating, establishing, acquiring, constructing, reconstructing, widening, and improving those highways, bridges, tunnels, parkways, travelways, tourways, and coordinated facilities authorized under Article IV, Section 30(b) of the Constitution of Missouri and for acquiring materials, equipment, and buildings necessary for such purposes and for other purposes and contingencies relating to the location and construction of highways and bridges and to expend funds from the United States Government for like purposes

Personal Service.....\$69,796,236

Expense and Equipment.....27,909,485

Construction1,252,013,000

From State Road Fund (0320)1,349,718,721

For all expenditures associated with paying outstanding state road bond debt, provided fifty percent (50%) flexibility is allowed between the State Road Fund and State Road Bond Fund

From State Road Fund (0320)117,388,981

From State Road Bond Fund (0319).....201,259,881

Total (Not to exceed 1,311.44 F.T.E.)\$1,668,367,583

*I hereby veto \$8,538 State Road Fund for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$8,538 from \$27,909,485 to \$27,900,947 from State Road Fund.
From \$1,349,718,721 to \$1,349,710,183 in total from State Road Fund.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

From \$1,668,367,583 to \$1,668,359,045 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 4.411.** — To the Department of Transportation

For the Construction Program

For an engineering study regarding the construction of the U.S. Route 61 Bypass
in a home rule city with more than seventeen thousand but fewer than
nineteen thousand inhabitants and partially located in any county of the third
classification without a township form of government and with more than
twenty-six thousand but fewer than twenty-nine thousand inhabitants

From General Revenue Fund (0101) \$500,000

*I hereby veto \$500,000 general revenue for a U.S. Route 61 Bypass study. This increase was not part of my budget recommendations and was not submitted to or approved by the Missouri Highways and Transportation Commission.

Said section is vetoed in its entirety from \$500,000 to \$0 from General Revenue Fund.

From \$500,000 to \$0 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 4.415. — To the Department of Transportation

There is transferred out of the State Treasury, chargeable to the General Revenue Fund, such amount as may be necessary to pay the debt service for state road bonds issued by the state Highways and Transportation Commission with a term not to exceed seven years and annual debt service not to exceed \$45,550,000, payable in accordance with a financing agreement between the Commission and the Office of Administration, with the state road bonds issued with respect to said financing agreement not to exceed \$301,000,000 of costs to plan, design, construct, reconstruct, rehabilitate, and make significant repairs to bridges on the state highway system under the Commission's five-year Statewide Transportation Improvement Program, to be deposited into the State Road Fund

From General Revenue Fund (0101) \$45,550,000

SECTION 4.420. — To the Department of Transportation

For all expenditures associated with paying debt service of outstanding state road bonds issued by the state Highways and Transportation Commission pursuant to a financing agreement between the Commission and the Office of Administration related to the planning, designing, construction, reconstruction, rehabilitation, and significant repair of 215 bridges on the state highway system under the Commission's five-year Statewide Transportation Improvement Program

From State Road Fund (0320) \$45,550,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 4.425. — To the Department of Transportation

For all expenditures associated with the planning, designing, construction, reconstruction, rehabilitation, and significant repair of 215 bridges on the state highway system under the Commission's five-year Statewide Transportation Improvement Program to be funded from state road bond proceeds, provided fifty percent (50%) flexibility is allowed between line items in this section

Personal Service.....	\$12,829,311
Fringe Benefits.....	10,957,515
Expense and Equipment.....	<u>277,213,174</u>
From State Road Fund (0320).....	\$301,000,000

SECTION 4.430. — To the Department of Transportation

For all expenditures associated with the planning, designing, construction, reconstruction, rehabilitation, and significant repair of bridges on the state highway system under the Commission's five-year Statewide Transportation Improvement Program, provided fifty percent (50%) flexibility is allowed between line items in this section

Personal Service	\$2,452,417
Fringe Benefits.....	2,094,609
Expense and Equipment.....	1,957,274
Program Distribution	<u>43,495,700</u>
From State Road Fund (0320).....	\$50,000,000

SECTION 4.435. — To the Department of Transportation

For the unexpended balance available as of June 30, 2020, but not to exceed \$50,000,000 for a transportation cost-share program with local communities, provided these funds shall not supplant, and shall only supplement, the current planned allocation of road and bridge expenditures under the most recently adopted state transportation and improvement plan, including all amendments thereto, as of the date of passage of this bill by the General Assembly, and provided the Department of Transportation and the Department of Economic Development work cooperatively to select projects with the greatest economic benefit to the State Representing expenditures originally authorized under the provisions of House Bill 4, Section 4.430, an Act of the 100th General Assembly, First Regular Session

From General Revenue Fund (0101)	\$25,000,000
From Federal Budget Stabilization Fund (2390)	<u>25,000,000</u>
Total.....	\$50,000,000

***SECTION 4.440.** — To the Department of Transportation

For the Maintenance Program

For preserving and maintaining the state system of roads and bridges and coordinated facilities authorized under Article IV, Section 30(b) of the Constitution of Missouri and for acquiring materials, equipment, and buildings necessary for such purposes and for other purposes and

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contingencies related to the preservation, maintenance, and safety of highways and bridges, provided ten percent (10%) flexibility is allowed between personal service and expense and equipment	
Personal Service.....	\$336,772
Expense and Equipment.....	<u>55,092</u>
From Department of Transportation - Highway Safety Fund (0149).....	391,864
Personal Service.....	152,195,476
Expense and Equipment.....	<u>231,838,665</u>
From State Road Fund (0320).....	384,034,141
Expense and Equipment	
From Motorcycle Safety Trust Fund (0246).....	350,000
For maintenance and repair on low-volume highways	
From State Road Fund (0320).....	\$5,000,000
For allotments, grants, and contributions from grants of National Highway Safety Act moneys for vehicle checkpoints where motorists may be detained without individualized reasonable suspicion, and related administrative expenses	1
For allotments, grants, and contributions from grants of National Highway Safety Act moneys for highway safety education and enforcement programs and their related administrative expenses, excluding expenses related to vehicle checkpoints where motorists may be detained without individualized reasonable suspicion	<u>18,999,999</u>
From Department of Transportation - Highway Safety Fund (0149).....	19,000,000
For the Motor Carrier Safety Assistance Program	
From Motor Carrier Safety Assistance Program/Division of Transportation - Federal Fund (0185)	<u>3,299,725</u>
Total (Not to exceed 3,538.93 F.T.E.)	\$412,075,730

*I hereby veto \$292 Department of Transportation – Highway Safety Fund for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$292 from \$55,092 to \$54,800 from Department of Transportation – Highway Safety Fund.

From \$391,864 to \$391,572 in total from Department of Transportation – Highway Safety Fund.

I hereby veto \$170,000 State Road Fund for on- and off-ramp shoulder repair and maintenance. This increase was not part of my budget recommendations and was not submitted to or approved by the Missouri Highways and Transportation Commission.

Expense and Equipment by \$170,000 from \$231,838,665 to \$231,668,665 from State Road Fund. From \$384,034,141 to \$383,864,141 in total from State Road Fund.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

I hereby veto \$5,000,000 State Road Fund for maintenance and repair on low-volume highways. While it is important to maintain low-volume roads, this increase was not part of my budget recommendations and was not submitted to or approved by the Missouri Highways and Transportation Commission.

For maintenance and repair on low-volume highways.

From \$5,000,000 to \$0 from State Road Fund.

From \$412,075,730 to \$406,905,438 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 4.445. — To the Department of Transportation

For Fleet, Facilities, and Information Systems

For constructing, preserving, and maintaining the state system of roads and bridges and coordinated facilities authorized under Article IV, Section 30(b) of the Constitution of Missouri and for acquiring materials, equipment, and buildings necessary for such purposes and for other purposes and contingencies related to the construction, preservation, and maintenance of highways and bridges, provided ten percent (10%) flexibility is allowed between personal service and expense and equipment

Personal Service.....\$12,213,242

Expense and Equipment.....79,870,000

From State Road Fund (0320) (Not to exceed 272.25 F.T.E.).....\$92,083,242

SECTION 4.450. — To the Department of Transportation

For refunding any tax or fee credited to the State Highways

and Transportation Department Fund\$1,000,000

For refunds and distributions of motor fuel taxes25,000,000

From State Highways and Transportation Department Fund (0644).....\$26,000,000

SECTION 4.455. — To the Department of Transportation

Funds are to be transferred out of the State Treasury to the State Road Fund

From State Highways and Transportation Department Fund (0644)\$510,000,000

***SECTION 4.460.** — To the Department of Transportation

For Multimodal Operations Administration

Personal Service.....\$332,490

Expense and Equipment.....269,600

From Multimodal Operations Federal Fund (0126)602,090

Personal Service.....497,093

Expense and Equipment.....39,852

From State Road Fund (0320)536,945

Personal Service.....495,144

Expense and Equipment.....145,699

From Railroad Expense Fund (0659).....640,843

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Personal Service	169,785
Expense and Equipment.....	<u>26,220</u>
From State Transportation Fund (0675)	196,005
Personal Service.....	530,035
Expense and Equipment.....	<u>24,827</u>
From Aviation Trust Fund (0952).....	<u>554,862</u>
Total (Not to exceed 35.68 F.T.E.)	\$2,530,745

*I hereby veto \$407 Railroad Expense Fund for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$407 from \$145,699 to \$145,292 from Railroad Expense Fund.
 From \$640,843 to \$640,436 in total from Railroad Expense Fund.
 From \$2,530,745 to \$2,530,338 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 4.465. — To the Department of Transportation

For Multimodal Operations

Funds are to be transferred out of the State Treasury to the State Road Fund
 for providing professional and technical services and administrative support
 of the multimodal program

From Multimodal Operations Federal Fund (0126)	\$167,000
From Railroad Expense Fund (0659).....	690,000
From State Transportation Fund (0675)	70,000
From Aviation Trust Fund (0952).....	<u>151,134</u>
Total.....	\$1,078,134

SECTION 4.470. — To the Department of Transportation

For Multimodal Operations

For loans from the State Transportation Assistance Revolving Fund to political
 subdivisions of the state or to public or private not-for-profit organizations
 or entities in accordance with Section 226.191, RSMo

From State Transportation Assistance Revolving Fund (0841).....	\$1,000,000
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SECTION 4.475. — To the Department of Transportation

For the Transit Program

For distributing funds to urban, small urban, and rural transportation systems

From State Transportation Fund (0675)	\$1,710,875
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SECTION 4.480. — To the Department of Transportation

For the Transit Program

For locally matched capital improvement grants under Sections 5310 and 5317,
 Title 49, United States Code to assist private, non-profit organizations in

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
 Matter in bold-face type is proposed language.

improving public transportation for the state's elderly and people with disabilities and to assist disabled persons with transportation services beyond those required by the Americans with Disabilities Act, provided twenty-five percent (25%) flexibility is allowed between Sections 4.480, 4.490, 4.495, 4.500 and 4.505

From Multimodal Operations Federal Fund (0126)\$10,600,000

SECTION 4.485. — To the Department of Transportation

For the Transit Program

For an operating subsidy for not-for-profit transporters of the elderly, people with disabilities, and low-income individuals, provided three percent (3%) flexibility is allowed from this section to Section 4.555

From General Revenue Fund (0101)\$1,725,522

From State Transportation Fund (0675) 1,274,478

Total.....\$3,000,000

SECTION 4.490. — To the Department of Transportation

For the Transit Program

For locally matched grants to small urban and rural areas under Sections 5311 and 5316, Title 49, United States Code, provided twenty-five-percent (25%) flexibility is allowed between Sections 4.480, 4.490, 4.495, 4.500 and 4.505

From Multimodal Operations Federal Fund (0126)\$31,000,000

For grants to non-urbanized areas under Sections 5311 and 5340, Title 49, United States Code

From Department of Transportation Federal Stimulus Fund (2320)..... 61,770,760

Total.....\$92,770,760

SECTION 4.495. — To the Department of Transportation

For the Transit Program

For grants under Section 5309, Title 49, United States Code to assist private, non-profit organizations providing public transportation services, provided twenty-five percent (25%) flexibility is allowed between Sections 4.480, 4.490, 4.495, 4.500 and 4.505

From Multimodal Operations Federal Fund (0126)\$1,000,000

SECTION 4.500. — To the Department of Transportation

For the Transit Program

For grants to metropolitan areas under Section 5303, Title 49, United States Code, provided twenty-five percent (25%) flexibility is allowed between Sections 4.480, 4.490, 4.495, 4.500 and 4.505

From Multimodal Operations Federal Fund (0126)\$1,000,000

SECTION 4.505. — To the Department of Transportation

For the Transit Program

For grants to public transit providers to replace, rehabilitate, and purchase vehicles and related equipment and to construct vehicle-related facilities,

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Matter in bold-face type is proposed language.

provided twenty-five percent (25%) flexibility is allowed between Sections
4.480, 4.490, 4.495, 4.500 and 4.505

From Multimodal Operations Federal Fund (0126)\$9,900,000

SECTION 4.510. — To the Department of Transportation

For the Light Rail Safety Program

From Multimodal Operations Federal Fund (0126)\$505,962

From State Transportation Fund (0675) 126,491

Total.....\$632,453

SECTION 4.515. — To the Department of Transportation

For the Rail Program

For passenger rail service in Missouri

From General Revenue Fund (0101)\$8,000,000

SECTION 4.520. — To the Department of Transportation

For station repairs and improvements at Missouri Amtrak stations

From State Transportation Fund (0675)\$25,000

SECTION 4.525. — To the Department of Transportation

For protection of the public against hazards existing at railroad crossings
pursuant to Chapter 389, RSMo

From Grade Crossing Safety Account (0290).....\$3,000,000

***SECTION 4.530.** — To the Department of Transportation

For the Aviation Program

For construction, capital improvements, and maintenance of publicly owned
airfields, including land acquisition, and for printing charts and directories

From Aviation Trust Fund (0952).....\$10,000,000

For the construction of a commercial terminal facility at a joint-use military and
civilian airport located in a county of the third classification without a
township form of government and with more than fifty-two thousand but
fewer than seventy thousand inhabitants

From General Revenue Fund (0101) 1,240,250

For improvements, renovations, maintenance and repair at an airport located in
a county of the fourth classification with more than forty-eight thousand but
fewer than sixty thousand inhabitants that is owned by University of Central
MO

From General Revenue Fund (0101) 1,100,000

Total.....\$12,340,250

*I hereby veto \$1,100,000 general revenue for improvements, renovations, maintenance and repair
at an airport owned by the University of Central Missouri. This increase was not part of my budget
recommendations and was not submitted to or approved by the Missouri Highways and
Transportation Commission.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For improvements, renovations, maintenance and repair at an airport located in a county of the fourth classification with more than forty-eight thousand but fewer than sixty thousand inhabitants that is owned by University of Central MO.

From \$1,100,000 to \$0 from General Revenue Fund.

From \$12,340,250 to \$11,240,250 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 4.535. — To the Department of Transportation

For the Aviation Program

For construction, capital improvements, or planning of publicly owned airfields by cities or other political subdivisions, including land acquisition, pursuant to the provisions of the State Block Grant Program administered through the Federal Airport Improvement Program

From Multimodal Operations Federal Fund (0126)	\$35,000,000
From Department of Transportation Federal Stimulus Fund (2320).....	<u>19,870,044</u>
Total.....	\$54,870,044

SECTION 4.540. — To the Department of Transportation

For the Waterways Program

For grants to port authorities for assistance in port planning, acquisition, or construction within the port districts, provided three percent (3%) flexibility is allowed from this section to Section 4.555

From General Revenue Fund (0101)	\$5,290,458
From State Transportation Fund (0675)	<u>600,000</u>
Total.....	\$5,890,458

SECTION 4.545. — To the Department of Transportation

For the Federal Rail, Port and Freight Assistance Program

From Multimodal Operations Federal Fund (0126)	\$26,000,000
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SECTION 4.550. — To the Department of Transportation

For the Freight Enhancement Program

For projects to improve connectors for ports, rail, and other non-highway transportation systems

From State Transportation Fund (0675)	\$1,000,000
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SECTION 4.555. — To the Department of Transportation

Funds are to be transferred out of the State Treasury to the State Legal Expense Fund for the payment of claims, premiums, and expenses as provided by Section 105.711 through 105.726, RSMo

From General Revenue Fund (0101)	\$1
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PART 2

SECTION 4.600. — To the Department of Transportation

In reference to Section 4.400 through and including Section 4.555 of Part 1 of this act:

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

No funds shall be expended for the development, implementation, advancement, construction, maintenance, or operation of toll roads on interstate highways.

Department of Revenue Totals

General Revenue Fund.....	\$63,774,206
Federal Funds.....	5,993,737
Other Funds.....	443,133,285
Total.....	\$512,901,228

Department of Transportation Totals

General Revenue Fund.....	\$88,406,231
Federal Funds.....	245,451,692
Other Funds.....	2,734,696,051
Total.....	\$3,068,553,974

Approved June 30 2020

CCS SCS HS HCS HB 2005

Appropriates money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, the Department of Conservation, the Department of Public Safety

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, the Department of Conservation, the Department of Public Safety, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2020, and ending June 30, 2021.

Be it enacted by the General Assembly of the state of Missouri, as follows:

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2020, and ending June 30, 2021, as follows:

***SECTION 5.005.** — To the Office of Administration

For the Commissioner's Office, provided that not more than three percent (3%) flexibility is allowed from this section to Section 5.145 and further provided that no more than five percent (5%) flexibility is allowed from personal service to expense and equipment

Personal Service.....	\$676,221
Annual salary adjustment in accordance with Section 105.005,	
RSMo.....	1,972

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Expense and Equipment.....	72,380
From General Revenue Fund (0101)	750,573

For the 2020 Census	
Personal Service.....	111,650
Expense and Equipment.....	390,000
From General Revenue Fund (0101)	501,650

For the Office of Equal Opportunity	
Provided that not more than twenty-five percent (25%) flexibility is allowed between personal service and expense and equipment	
Personal Service.....	304,357
Expense and Equipment.....	78,846
From General Revenue Fund (0101)	383,203
Total (Not to exceed 17.50 F.T.E.)	\$1,635,426

*I hereby veto \$568 general revenue for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

For the Commissioner's Office.
Expense and Equipment by \$256 from \$72,380 to \$72,124 from General Revenue Fund.
From \$750,573 to \$750,317 in total from General Revenue Fund.

For the Office of Equal Opportunity.
Expense and Equipment by \$312 from \$78,846 to \$78,534 from General Revenue Fund.
From \$383,203 to \$382,891 in total from General Revenue Fund.
From \$1,635,426 to \$1,634,858 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 5.010. — To the Office of Administration

For the Commissioner's Office

For funding a pilot program that monitors individuals subject to pre- conviction or post-conviction supervision through a check-in system that the supervising agency or circuit can access through a secure web-based platform; a secondary objective is to establish exclusion zones and compliance levels through a platform capable of generating relevant reports; supervision of defendants when implementing Supreme Court Rule 33.01 relating to a pre-trial defendant's right to release. Such option shall (1) ensures the elimination of monetary incentives for conviction, (2) equally accessible by all defendants the court deems appropriate, regardless of their ability to pay, (3) unlimited access for use by all circuits and counties at no cost to the circuits and counties, and (4) provides budget certainty for the State

From General Revenue Fund (0101)	\$2,000,000
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EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 5.011. — To the Office of Administration

For broadband expansion and/or cellular equipment and service to provide fixed or mobile broadband access to emergency services personnel in order to coordinate and dispatch services related to the COVID-19 disease	
Expense and Equipment.....	\$5,000,000
For broadband expansion to residential and agricultural areas in counties of the state of Missouri with high concentrations of state employees without residential access to broadband internet, for the purpose of enabling state employees to work remotely due to the COVID-19 disease	
Expense and Equipment.....	5,000,000
For reimbursement of broadband services costs, and/or for state purchase of cellular equipment and service to provide fixed or mobile broadband service for state employees required to work from home due to the COVID-19 disease	
Expense and Equipment.....	<u>2,000,000</u>
From Office of Administration Federal Stimulus Fund (2325).....	\$12,000,000

***SECTION 5.015.** — To the Office of Administration

For the Division of Accounting, provided that not more than three percent (3%) flexibility is allowed from this section to Section 5.145 and further provided that no more than five percent (5%) flexibility is allowed from personal service to expense and equipment	
Personal Service.....	\$3,144,590
Expense and Equipment.....	<u>132,389</u>
From General Revenue Fund (0101) (Not to exceed 68.00 F.T.E.).....	\$3,276,979

*I hereby veto \$47 general revenue for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$47 from \$132,389 to \$132,342 from General Revenue Fund.
From \$3,276,979 to \$3,276,932 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 5.020.** — To the Office of Administration

For the Division of Budget and Planning, provided that not more than three percent (3%) flexibility is allowed from this section to Section 5.145, and further provided that no more than fifteen percent (15%) flexibility is allowed between personal service and expense and equipment	
Personal Service.....	\$1,926,631
Expense and Equipment.....	<u>71,437</u>
From General Revenue Fund (0101).....	1,998,068

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For census preparation	
Personal Service.....	245,630
Expense and Equipment.....	47,215
From General Revenue Fund (0101)	292,845
Total (Not to exceed 31.00 F.T.E.)	\$2,290,913

*I hereby veto \$36 general revenue for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

For the Division of Budget and Planning.

Expense and Equipment by \$36 from \$71,437 to \$71,401 from General Revenue Fund.

From \$1,998,068 to \$1,998,032 in total from General Revenue Fund.

From \$2,290,913 to \$2,290,877 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 5.025.** — To the Office of Administration

For the Information Technology Services Division, provided that not more than three percent (3%) flexibility is allowed from this section to Section 5.145, and further provided that twenty-five percent (25%) flexibility is allowed between personal service and expense and equipment within Section 5.025, provided that twenty-five percent (25%) flexibility is allowed from this section to 5.030 between the general revenue fund and provided that twenty-five percent (25%) flexibility is allowed from this section to Section 5.030 between federal funds and between other funds

For Information Technology Services Division billings	
Personal Service.....	\$9,226,070
Expense and Equipment.....	41,503,139
From Missouri Revolving Information Technology Trust Fund (0980).....	50,729,209

For providing state-wide information technology applications, infrastructure and administrative support

Personal Service.....	2,580,304
Expense and Equipment.....	4,287,627
From General Revenue Fund (0101)	6,867,931

Personal Service.....	4,273,318
Expense and Equipment.....	2,116,934
From OA Information Technology Federal Fund (0165)	6,390,252

For funding information technology security enhancements

Personal Service.....	1,538,688
Expense and Equipment.....	7,504,336
From General Revenue Fund (0101)	9,043,024
Total (Not to exceed 312.25 F.T.E.)	\$73,030,416

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

*I hereby veto \$3,861, including \$3,097 general revenue, for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

For Information Technology Services Division billings.

Expense and Equipment by \$764 from \$41,503,139 to \$41,502,375 from Missouri Revolving Information Technology Trust Fund.

From \$50,729,209 to \$50,728,445 in total from Missouri Revolving Information Technology Trust Fund.

For providing state-wide information technology applications, infrastructure and administrative support.

Expense and Equipment by \$929 from \$4,287,627 to \$4,286,698 from General Revenue Fund.

From \$6,867,931 to \$6,867,002 in total from General Revenue Fund.

For funding information technology security enhancements.

Expense and Equipment by \$2,168 from \$7,504,336 to \$7,502,168 from General Revenue Fund.

From \$9,043,024 to \$9,040,856 in total from General Revenue Fund.

From \$73,030,416 to \$73,026,555 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 5.030.** — To the Office of Administration

For the Information Technology Services Division, provided that not more than three percent (3%) flexibility is allowed from this section to Section 5.145, and further provided that twenty-five percent (25%) flexibility is allowed between personal service and expense and equipment within Section 5.030, provided that twenty-five percent (25%) flexibility is allowed between and within departments' general revenue fund, twenty-five percent (25%) flexibility is allowed between and within departments' federal funds, and twenty-five percent (25%) flexibility is allowed between and within departments' other funds

For the Department of Elementary and Secondary Education

Personal Service.....	\$670,362
Expense and Equipment.....	547,748
From General Revenue Fund (0101)	1,218,110

From OA Information Technology Federal Fund (0165) 3,960,133

From Other Funds (Various) 312,410

For the Department of Higher Education and Workforce Development

Personal Service.....	349,149
Expense and Equipment.....	353,963
From General Revenue Fund (0101)	703,112

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

From OA Information Technology Federal Fund (0165)	2,440,695
From Other Funds (Various)	260,314
For the Department of Revenue	
Personal Service.....	4,559,568
Expense and Equipment.....	<u>17,947,640</u>
From General Revenue Fund (0101)	22,507,208
From OA Information Technology Federal Fund (0165)	2
From Other Funds (Various)	3,008,448
For the Office of Administration	
Personal Service.....	1,749,744
Expense and Equipment.....	<u>3,037,247</u>
From General Revenue Fund (0101)	4,786,991
From OA Information Technology Federal Fund (0165)	2
From Other Funds (Various)	546,491
For the Department of Agriculture	
Personal Service.....	282,164
Expense and Equipment.....	<u>267,440</u>
From General Revenue Fund (0101)	549,604
From OA Information Technology Federal Fund (0165)	2
From Other Funds (Various)	537,144
For the Department of Natural Resources	
Personal Service.....	416,614
Expense and Equipment.....	<u>16,912</u>
From General Revenue Fund (0101)	433,526
From OA Information Technology Federal Fund (0165)	1,881,658
From Other Funds (Various)	6,788,922
For the Department of Economic Development	
Personal Service.....	286,495
Expense and Equipment.....	<u>401,894</u>
From General Revenue Fund (0101)	688,389
From OA Information Technology Federal Fund (0165)	349,239
From Other Funds (Various)	1,094,919
For the Department of Commerce and Insurance	
Personal Service.....	1,015
Expense and Equipment.....	<u>1,000</u>
From General Revenue Fund (0101)	2,015

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

From Other Funds (Various)	2,725,638
For the Department of Labor and Industrial Relations	
Personal Service.....	1
Expense and Equipment.....	<u>24,446</u>
From General Revenue Fund (0101)	24,447
From DOLIR Administrative Fund (0122)	6,168,371
From OA Information Technology Federal Fund (0165)	3,772,525
From Division of Labor Standards Federal Fund (0186)	1
From Other Funds (Various)	40,299,807
For the Department of Public Safety	
Personal Service.....	749,628
Expense and Equipment.....	<u>428,138</u>
From General Revenue Fund (0101)	1,177,766
From OA Information Technology Federal Fund (0165)	48,670
From Other Funds (Various)	3,945,396
For the Department of Corrections	
Personal Service.....	2,356,584
Expense and Equipment.....	<u>8,477,312</u>
From General Revenue Fund (0101)	10,833,896
From OA Information Technology Federal Fund (0165)	2
From Other Funds (Various)	249,988
For the Department of Health and Senior Services	
Personal Service.....	1,858,566
Expense and Equipment.....	<u>461,760</u>
From General Revenue Fund (0101)	2,320,326
From OA Information Technology Federal Fund (0165)	26,779,081
From Other Funds (Various)	2,507,047
For the Department of Mental Health	
Personal Service.....	5,361,458
Expense and Equipment.....	<u>2,866,178</u>
From General Revenue Fund (0101)	8,227,636
From OA Information Technology Federal Fund (0165)	3,713,591
For the Department of Social Services	
Personal Service.....	3,154,149
Expense and Equipment	<u>1,281,556</u>
From General Revenue Fund (0101)	4,435,705

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

From OA Information Technology Federal Fund (0165)	29,795,468
From Temporary Assistance for Needy Families Federal Fund (0199).....	10,000,000
From Other Funds (Various)	<u>415,717</u>
Total (Not to exceed 655.25 F.T.E.)	\$209,510,412

*I hereby veto \$3,028 OA Information Technology Federal Fund for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

For the Department of Economic Development.

By \$364 from \$349,239 to \$348,875 from OA Information Technology Federal Fund.

For the Department of Labor and Industrial Relations.

By \$91 from \$3,772,525 to \$3,772,434 from OA Information Technology Federal Fund.

For the Department of Health and Senior Services.

By \$545 from \$26,779,081 to \$26,778,536 from OA Information Technology Federal Fund.

For the Department of Mental Health.

By \$483 from \$3,713,591 to \$3,713,108 from OA Information Technology Federal Fund.

For the Department of Social Services.

By \$1,545 from \$29,795,468 to \$29,793,923 from OA Information Technology Federal Fund.

From \$209,510,412 to \$209,507,384 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 5.035. — To the Office of Administration

For the Information Technology Services Division

For the centralized telephone billing system

Expense and Equipment

From Missouri Revolving Information Technology Trust Fund (0980).....\$44,700,697

SECTION 5.040. — To the Office of Administration

Funds are to be transferred out of the State Treasury, to the eProcurement
and State Technology Fund

From Missouri Revolving Information Technology Trust Fund (0980).....\$5,000,000

For receiving and expending funds for eProcurement activities

From eProcurement and State Technology Fund (0495) 5,000,000

Total.....\$10,000,000

SECTION 5.045. — To the Office of Administration

For the Information Technology Services Division

For replacement of the statewide accounting and budgeting systems, including
consulting and procurement, per a memorandum of understanding between
the Missouri House of Representatives, the Missouri Senate, the Office of
Administration, and the Judiciary

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

From General Revenue Fund (0101)	\$4,000,000
From Federal Funds (Various)	1,500,000
From Other Funds (Various)	<u>6,000,000</u>
Total.....	\$11,500,000

***SECTION 5.050.** — To the Office of Administration

For the Division of Personnel, provided that not more than three percent (3%) flexibility is allowed from this section to Section 5.150, and further provided that no more than five percent (5%) flexibility is allowed between personal service and expense and equipment

Personal Service.....	\$2,947,089
Expense and Equipment.....	<u>93,908</u>
From General Revenue Fund (0101)	3,040,997
Personal Service.....	187,723
Expense and Equipment.....	<u>471,533</u>
From Office of Administration Revolving Administrative Trust Fund (0505)	659,256
Personal Service.....	98,000
Expense and Equipment.....	<u>3,600</u>
From Missouri Revolving Information Technology Trust Fund (0980).....	<u>101,600</u>
Total (Not to exceed 72.97 F.T.E.)	\$3,801,853

*I hereby veto \$153, including \$131 general revenue, for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$131 from \$93,908 to \$93,777 from General Revenue Fund.

From \$3,040,997 to \$3,040,866 in total from General Revenue Fund.

Expense and Equipment by \$22 from \$471,533 to \$471,511 from Office of Administration Revolving Administrative Trust Fund.

From \$659,256 to \$659,234 in total from Office of Administration Revolving Administrative Trust Fund.

From \$3,801,853 to \$3,801,700 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 5.060. — To the Office of Administration

For the Division of Personnel, for an employee suggestion program

From General Revenue Fund (0101)	\$20,000
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***SECTION 5.065.** — To the Office of Administration

For the Division of Purchasing and Materials Management, provided that not more than three percent (3%) flexibility is allowed from this section to

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Section 5.145, and further provided that no more than five percent (5%) flexibility is allowed between personal service and expense and equipment

Personal Service.....	\$2,037,122
Expense and Equipment.....	<u>77,315</u>
From General Revenue Fund (0101)	2,114,437

Personal Service

From Department of Mental Health Federal Fund (0148)	10,166
From Job Development and Training Fund (0155)	1,297
From DOLIR Administrative Trust Fund (0122)	2,639
From DNR Cost Allocation Fund (0500)	6,209
From Department of Insurance, Financial Institutions and Professional Registration Administrative Fund (0503)	2,121
From Department of Economic Development Administrative Fund (0547)	1,640
From Agriculture Protection Fund (0970)	1,620
From State Facility Maintenance and Operation Fund (0501)	<u>6,946</u>
Total (Not to exceed 37.00 F.T.E.)	\$2,147,075

*I hereby veto \$56 general revenue for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$56 from \$77,315 to \$77,259 from General Revenue Fund.

From \$2,114,437 to \$2,114,381 in total from General Revenue Fund.

From \$2,147,075 to \$2,147,019 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 5.070. — To the Office of Administration
For the Division of Purchasing and Materials Management
For refunding bid and performance bonds
From Office of Administration Revolving Administrative Trust Fund
(0505)..... \$3,000,000

SECTION 5.075. — To the Office of Administration
For the Division of Facilities Management, Design and Construction Asset Management
For authority to spend donated funds to support renovations and operations of the Governor's Mansion
From State Facility Maintenance and Operation Fund (0501)..... \$60,000

***SECTION 5.080.** — To the Office of Administration
For the Division of Facilities Management, Design and Construction Asset Management
For any and all expenditures necessary for funding the operations of the Board of Public Buildings, state-owned and leased office buildings, institutional facilities, laboratories, and support facilities, provided that not more than five

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

percent (5%) flexibility is allowed between personal service and expense and equipment

Personal Service.....	\$21,001,708
Expense and Equipment.....	<u>31,041,790</u>
From State Facility Maintenance and Operation Fund (0501)	
(Not to exceed 504.25 F.T.E.).....	\$52,043,498

*I hereby veto \$462 State Facility Maintenance and Operation Fund for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$462 from \$31,041,790 to \$31,041,328 from State Facility Maintenance and Operation Fund.
From \$52,043,498 to \$52,043,036 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 5.082. — To the Office of Administration

For the Division of Facilities Management, Design and Construction Asset Management

For paying a pandemic stipend to state employees providing direct care and support to institutionalized individuals during the COVID-19 public health emergency

From Office of Administration Federal Stimulus Fund (2325).....	\$316,500
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SECTION 5.085. — To the Office of Administration

For the Division of Facilities Management, Design and Construction Asset Management

For funding expenditures associated with the State Capitol Commission Expense and Equipment

From State Capitol Commission Fund (0745)	\$25,000
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SECTION 5.090. — To the Board of Public Buildings

For the Office of Administration

For the Division of Facilities Management, Design and Construction Asset Management

For modifications, replacement, repair costs, and other support services at state-operated facilities or institutions when recovery is obtained from a third party including energy rebates or disaster recovery

From State Facility Maintenance and Operation Fund (0501).....	\$2,000,000
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***SECTION 5.095.** — To the Office of Administration

For the Division of General Services, provided that not more than three percent (3%) flexibility is allowed from this section to Section 5.145, and further provided that no more than five percent (5%) flexibility is allowed between personal service and expense and equipment

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Personal Service.....	\$945,936
Expense and Equipment.....	<u>64,501</u>
From General Revenue Fund (0101)	1,010,437

Personal Service.....	3,033,502
Expense and Equipment.....	<u>979,728</u>
From Office of Administration Revolving Administrative Trust	
Fund (0505).....	<u>4,013,230</u>
Total (Not to exceed 103.00 F.T.E.)	\$5,023,667

*I hereby veto \$49 general revenue for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$49 from \$64,501 to \$64,452 from General Revenue Fund.
 From \$1,010,437 to \$1,010,388 in total from General Revenue Fund.
 From \$5,023,667 to \$5,023,618 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 5.100.** — To the Office of Administration
 For the Division of General Services
 For the operation of the State Agency for Surplus Property

Personal Service.....	\$893,671
Expense and Equipment.....	<u>646,070</u>
From Federal Surplus Property Fund (0407) (Not to exceed 21.00 F.T.E.)	\$1,539,741

*I hereby veto \$25 Federal Surplus Property Fund for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$25 from \$646,070 to \$646,045 from Federal Surplus Property Fund.
 From \$1,539,741 to \$1,539,716 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 5.105. — To the Office of Administration
 For the Division of General Services
 For the Fixed Price Vehicle Program

Expense and Equipment	
From Federal Surplus Property Fund (0407)	\$1,495,994

SECTION 5.110. — To the Office of Administration

Funds are to be transferred out of the State Treasury, to the Department of
 Social Services for the heating assistance program, as provided by Section
 34.032, RSMo
 From Federal Surplus Property Fund (0407) \$30,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
 Matter in bold-face type is proposed language.

SECTION 5.115. — To the Office of Administration
 For the Division of General Services
 For the disbursement of surplus property sales receipts
 From Proceeds of Surplus Property Sales Fund (0710) \$299,894

SECTION 5.120. — To the Office of Administration
 Funds are to be transferred out of the State Treasury, to various state agency
 funds
 From Proceeds of Surplus Property Sales Fund (0710) \$3,000,000

SECTION 5.125. — To the Office of Administration
 Funds are to be transferred out of the State Treasury, to the State Property
 Preservation Fund
 From Other Funds (Various) \$25,000,000

SECTION 5.130. — To the Office of Administration
 For the Division of General Services
 For the repair or replacement of state-owned or leased facilities that have
 suffered damage from natural or man-made events or for the defeasance of
 outstanding debt secured by the damaged facilities when a notice of
 coverage has been issued by the Commissioner of Administration, as
 provided by Sections 37.410 through 37.413, RSMo
 From State Property Preservation Fund (0128)..... \$25,000,000

SECTION 5.135. — To the Office of Administration
 For the Division of General Services
 For reimbursable expenses and for the replacement or repair of damaged equipment
 when recovery is obtained from a third party
 Expense and Equipment
 From Office of Administration Revolving Administrative Trust Fund
 (0505)..... \$15,480,000

SECTION 5.140. — To the Office of Administration
 Funds are to be transferred out of the State Treasury, for the payment of
 claims, premiums, and expenses as provided by Sections 105.711 through
 105.726, RSMo, to the State Legal Expense Fund
 From General Revenue Fund (0101) \$18,625,000
 From Federal and Other Funds (Various)..... 15,000,000
 Total..... \$33,625,000

SECTION 5.145. — To the Office of Administration
 Funds are to be transferred out of the State Treasury, for the payment of
 claims, premiums, and expenses as provided by Section 105.711 through
 105.726, RSMo, to the State Legal Expense Fund
 From General Revenue Fund (0101) \$1

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
 Matter in bold-face type is proposed language.

***SECTION 5.150.** — To the Office of Administration

For the Division of General Services

For the payment of claims and expenses as provided by Section 105.711 et seq.,

RSMo, and for purchasing insurance against any or all liability of the State
of Missouri or any agency, officer, or employee thereof

From State Legal Expense Fund (0692)\$100,000,150

*I hereby veto \$75 State Legal Expense Fund for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

By \$75 from \$100,000,150 to \$100,000,075 from State Legal Expense Fund.

From \$100,000,150 to \$100,000,075 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 5.155.** — To the Office of Administration

For the Administrative Hearing Commission, provided that not more than three percent (3%) flexibility is allowed from this section to Section 5.145, and further provided that no more than twenty percent (20%) flexibility is allowed between personal service and expense and equipment

Personal Service.....\$1,021,303

Annual salary adjustment in accordance with Section 105.005, RSMo..... 6,849

Expense and Equipment..... 62,570

From General Revenue Fund (0101) 1,090,722

Personal Service

From Administrative Hearing Commission Educational Due Process

Hearing Fund (0818) 78,905

Total (Not to exceed 16.50 F.T.E.)\$1,169,627

*I hereby veto \$9 general revenue for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$9 from \$62,570 to \$62,561 from General Revenue Fund.

From \$1,090,722 to \$1,090,713 in total from General Revenue Fund.

From \$1,169,627 to \$1,169,618 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 5.160.** — To the Office of Administration

For funding the Office of Child Advocate, provided that not more than three percent (3%) flexibility is allowed from this section to Section 5.145, and further provided that not more than five percent (5%) flexibility is allowed between personal service and expense and equipment

Personal Service.....\$235,543

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Expense and Equipment.....	8,173
From General Revenue Fund (0101).....	243,716
Personal Service.....	133,743
Expense and Equipment.....	15,037
From Office of Administration - Federal Fund (0135).....	148,780
Total (Not to exceed 6.00 F.T.E.).....	\$392,496

*I hereby veto \$141, including \$35 general revenue, for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$35 from \$8,173 to \$8,138 from General Revenue Fund.
From \$243,716 to \$243,681 in total from General Revenue Fund.

Expense and Equipment by \$106 from \$15,037 to \$14,931 from Office of Administration - Federal Fund.

From \$148,780 to \$148,674 in total from Office of Administration – Federal Fund.

From \$392,496 to \$392,355 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 5.165.** — To the Office of Administration

For the administrative, promotional, and programmatic costs of the Children's Trust Fund Board as provided by Section 210.173, RSMo provided that no more than five percent (5%) flexibility is allowed between personal service and expense and equipment

Personal Service.....	\$292,607
Expense and Equipment.....	813,202
Program Disbursements	2,100,000
From Children's Trust Fund (0694) (Not to exceed 5.00 F.T.E.)	\$3,205,809

*I hereby veto \$555 Children's Trust Fund for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$555 from \$813,202 to \$812,647 from Children's Trust Fund.

From \$3,205,809 to \$3,205,254 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 5.170.** — To the Office of Administration

For funding the Governor's Council on Disability, provided that not more than three percent (3%) flexibility is allowed from this section to Section 5.145, and further provided that not more than five percent (5%) flexibility is allowed between personal service and expense and equipment

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Personal Service.....	\$187,247
Expense and Equipment.....	<u>25,318</u>
From General Revenue Fund (0101) (Not to exceed 4.00 F.T.E.)	\$212,565

*I hereby veto \$350 general revenue for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$350 from \$25,318 to \$24,968 from General Revenue Fund.
From \$212,565 to \$212,215 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 5.175. — To the Office of Administration

For those services provided through the Office of Administration that are contracted with and reimbursed by the Board of Trustees of the Missouri Public Entity Risk Management Fund as provided by Chapter 537, RSMo

Personal Service.....	\$720,044
Expense and Equipment.....	<u>47,500</u>
From Office of Administration Revolving Administrative Trust Fund (0505) (Not to exceed 14.00 F.T.E.)	\$767,544

***SECTION 5.180.** — To the Office of Administration

For the Missouri Ethics Commission

Provided that not more than five percent (5%) flexibility is allowed between personal service and expense and equipment

Personal Service.....	\$1,264,120
Expense and Equipment.....	<u>295,766</u>
From General Revenue Fund (0101) (Not to exceed 24.00 F.T.E.)	\$1,559,886

*I hereby veto \$466 general revenue for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$466 from \$295,766 to \$295,300 from General Revenue Fund.
From \$1,559,886 to \$1,559,420 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 5.185. — To the Office of Administration

For the Division of Accounting

For payment of rent by the state for state agencies occupying Board of Public Buildings revenue bond financed buildings. Funds are to be used for principal, interest, bond issuance costs, and reserve fund requirements of Board of Public Buildings bonds

From General Revenue Fund (0101)	\$61,519,901
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EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

From Facilities Maintenance Reserve Fund (0124)..... 12,626,632
 Total.....\$74,146,533

SECTION 5.190. — To the Office of Administration

For the Division of Accounting

For annual fees, arbitrage rebate, refunding, defeasance, and related expenses of
 House Bill 5 debt

From General Revenue Fund (0101) \$30,654

SECTION 5.195. — To the Office of Administration

For the Division of Accounting

For payment of the state's lease/purchase debt requirements

From State Facility Maintenance and Operation Fund (0501)..... \$2,413,807

SECTION 5.200. — To the Office of Administration

For the Division of Accounting

For MOHEFA debt service and all related expenses associated with the Series
 2011 MU-Columbia Arena project bonds

From General Revenue Fund (0101)\$2,521,750

SECTION 5.205. — To the Office of Administration

For the Division of Accounting

For debt service and all related expenses associated with the State Historical
 Society Project bonds issued through the Missouri Development Finance
 Board

From General Revenue Fund (0101)\$2,318,469

SECTION 5.210. — To the Office of Administration

For transferring funds to the Fulton State Hospital Bond Fund for debt payments
 on bonds issued by the Missouri Development Finance Board pursuant to a
 finance agreement between the Missouri Development Finance Board,
 Office of Administration, and Department of Mental Health for a project to
 replace Fulton State Hospital not to exceed \$220 million in total bonding
 principal and for related expenses

From General Revenue Fund (0101)\$12,338,263

SECTION 5.215. — To the Office of Administration

For the Division of Accounting

For debt service related to the Fulton State Hospital bonds

From Fulton State Hospital Bond Fund (0396).....\$12,341,638

SECTION 5.220. — To the Office of Administration

For the Division of Facilities Management, Design and Construction

For debt service related to guaranteed energy cost savings contracts

From Facilities Maintenance Reserve Fund (0124).....\$3,314,140

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
 Matter in bold-face type is proposed language.

SECTION 5.225. — To the Office of Administration

For the Division of Accounting

For Debt Management

Expense and Equipment

From General Revenue Fund (0101) \$83,300

SECTION 5.230. — To the Office of Administration

For the Division of Accounting

For the Bartle Hall Convention Center expansion, operations, development, or
maintenance in Kansas City pursuant to Sections 67.638 through 67.641,

RSMo

From General Revenue Fund (0101) \$2,000,000

SECTION 5.235. — To the Office of Administration

For the Division of Accounting

For the maintenance of the Jackson County Sports Complex pursuant to Sections
67.638 through 67.641, RSMo

From General Revenue Fund (0101) \$3,000,000

SECTION 5.240. — To the Office of Administration

For the Division of Accounting

For debt service and maintenance on the Edward Jones Dome project in St.
Louis

From General Revenue Fund (0101) \$12,000,000

SECTION 5.241. — To the Office of Administration

For the Division of Accounting

For payment or prepayment of debt service for outstanding bonds issued by the
Missouri Development Finance Board pursuant to a finance agreement
between the Missouri Development Finance Board and the Office of
Administration to fund construction of the State Historical Society building
and museum

From Missouri Development Finance Board Bond Proceeds Fund (0390) \$1,500,000

SECTION 5.242. — To the Office of Administration

For the Division of Accounting

For payment or prepayment of debt service for outstanding bonds issued by the
Board of Public Buildings to fund repair and renovation of buildings used
by state colleges and universities

From Board of Public Buildings Bond Proceeds Fund (0366) \$400,000

SECTION 5.243. — To the Office of Administration

For the Division of Accounting

For payment of debt service for outstanding bonds issued by the Board of Public
Buildings to fund repair and renovation of buildings used by the Missouri
Veterans Commission

From Missouri Veterans' Homes Fund (0460)..... \$6,000,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 5.245. — To the Office of Administration

For the Division of Accounting

For interest payments on federal grant monies in accordance with the Cash Management Improvement Act of 1990 and 1992, and any other interest or penalties due to the federal government

From General Revenue Fund (0101)	\$900,000
From Federal Funds (0135)	20,000
From Other Funds (0407)	<u>20,000</u>
Total	\$940,000

SECTION 5.246. — To the Office of Administration

Funds are to be transferred out of the State Treasury, for return of unspent Coronavirus Aid, Relief, and Economic Security Act Coronavirus Relief Funds to the federal government

From Federal Funds	\$750,000,000
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SECTION 5.250. — To the Office of Administration

Funds are to be transferred out of the State Treasury, chargeable to the Budget Reserve Fund and other funds, such amounts as may be necessary for cash-flow assistance to various funds, provided, however, that funds other than the Budget Reserve Fund will not be used without prior notification to the Commissioner of the Office of Administration, the Chair of the Senate Appropriations Committee, and the Chair of the House Budget Committee. Cash-flow assistance from funds other than the Budget Reserve Fund shall only be transferred from May 15 to June 30 in any fiscal year, and an amount equal to the transfer received, plus interest, shall be transferred back to the appropriate Other Funds prior to June 30 of the fiscal year in which the transfer was made

From Budget Reserve Fund and Other Funds to General Revenue Fund (Various)	\$550,000,000
From Budget Reserve Fund and Other Funds to Other Funds (Various)	<u>100,000,000</u>
Total	\$650,000,000

SECTION 5.255. — To the Office of Administration

Funds are to be transferred out of the State Treasury, such amounts as may be necessary for repayment of cash-flow assistance to the Budget Reserve Fund and Other Funds, provided, however, that the Commissioner of the Office of Administration, the Chair of the Senate Appropriations Committee, and the Chair of the House Budget Committee shall be notified when repayment to funds, other than the Budget Reserve Fund, has been made

From General Revenue Fund (0101)	\$550,000,000
From Other Funds (Various)	<u>100,000,000</u>
Total	\$650,000,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 5.260. — To the Office of Administration

Funds are to be transferred out of the State Treasury, such amounts as may be necessary for interest payments on cash-flow assistance, to the Budget Reserve Fund and Other Funds

From General Revenue Fund (0101)	\$5,500,000
From Other Funds (Various)	<u>500,000</u>
Total.....	\$6,000,000

SECTION 5.265. — To the Office of Administration

Funds are to be transferred out of the State Treasury, such amounts as may be necessary for constitutional requirements of the Budget Reserve Fund, provided that not more than twenty-five percent (25%) flexibility is allowed from sections 5.450, 5.465 and 5.490 to this section

From General Revenue Fund (0101)	\$7,480,142
From Budget Reserve Fund (0100).....	<u>90,000,000</u>
Total.....	\$97,480,142

SECTION 5.276. — To the Office of Administration

Funds are to be transferred out of the State Treasury such amounts as may be necessary for cash-flow assistance to the General Revenue Fund, provided, however, that funds will not be used without prior notification to the Commissioner of the Office of Administration, the Chair of the Senate Appropriations Committee, and the Chair of the House Budget Committee. Prior to June 30, 2021, an amount equal to the transfer received shall be transferred back to the appropriate fund from which the cash-flow assistance transfer was made

From State Emergency Management Federal Stimulus Fund (2335).....	\$750,000,000
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SECTION 5.277. — To the Office of Administration

Funds are to be transferred out of the State Treasury, such amounts as may be necessary for repayment of cash-flow assistance to the State Emergency Management Federal Stimulus Fund, provided, however, that the Commissioner of the Office of Administration, the Chair of the Senate Appropriations Committee, and the Chair of the House Budget Committee shall be notified when repayment to the fund has been made

From General Revenue Fund (0101)	\$750,000,000
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SECTION 5.280. — To the Office of Administration

Funds are to be transferred out of the State Treasury, such amounts as may be necessary for corrections to fund balances

From General Revenue Fund (0101)	\$50,000
From Federal and Other Funds (Various).....	<u>750,000</u>
Total.....	\$800,000

SECTION 5.281. — To the Office of Administration

Funds are to be transferred out of the State Treasury, such amounts as may be necessary to transfer funds among the various department-specific federal

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Matter in bold-face type is proposed language.

stimulus funds, provided, however, that funds will not be transferred without prior notification to the Commissioner of the Office of Administration, the Chair of the Senate Appropriations Committee, and the Chair of the House Budget Committee, allowing 100% flexibility between the Department of Elementary and Secondary Education Federal Stimulus Fund (2300), Department of Elementary and Secondary Education Federal Emergency Relief Fund (2305), Department of Higher Education and Workforce Development Federal Stimulus Fund (2310), Department of Higher Education and Workforce Development Federal Emergency Relief Fund (2315), Missouri Department of Transportation Federal Stimulus Fund (2320), Office of Administration Federal Stimulus Fund (2325), Department of Public Safety Federal Stimulus Fund (2330), State Emergency Management Federal Stimulus Fund (2335), Department of Corrections Federal Stimulus Fund (2340), Department of Mental Health Federal Stimulus Fund (2345), Department of Health and Senior Services Stimulus Fund (2350), Department of Social Services Federal Stimulus Fund (2355), Department of Economic Development Federal Stimulus Fund (2360), Department of Natural Resources Federal Stimulus Fund (2365), Lt. Governor Federal Stimulus Fund (2370), Department of Labor and Industrial Relations Federal Stimulus Fund (2375), Department of Revenue Federal Stimulus Fund (2380), Secretary of State Federal Stimulus Fund (2385), and Department of Agriculture Federal Stimulus Fund (2395)

From Federal Stimulus Funds (Various)\$500,000,000

SECTION 5.285. — To the Office of Administration

Funds are to be transferred out of the State Treasury, such amounts as are necessary for allocation of costs to other funds in support of the state's central services performed by the Office of Administration, the Department of Revenue, the Capitol Police, the Elected Officials, and the General Assembly, to the General Revenue Fund

From Other Funds (Various)\$9,894,605

SECTION 5.290. — To the Office of Administration

For funding statewide membership dues

From General Revenue Fund (0101)\$222,000

SECTION 5.295. — To the Office of Administration

For the Division of Accounting

For paying the several counties of Missouri the amount that has been paid into the State Treasury by the United States Treasury as a refund from the leases of flood control lands, under the provisions of an Act of Congress approved June 28, 1938, to be distributed to certain counties in Missouri in accordance with the provisions of state law provided that not more than twenty-five percent (25%) flexibility is allowed between Sections 5.290 and 5.295

From Office of Administration - Federal Fund (0135)\$1,800,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 5.300. — To the Office of Administration

For the Division of Accounting

For paying the several counties of Missouri the amount that has been paid into the State Treasury by the United States Treasury as a refund from the National Forest Reserve, under the provisions of an Act of Congress approved June 28, 1938, to be distributed to certain counties in Missouri provided that not more than twenty-five percent (25%) flexibility is allowed between Sections 5.290 and 5.295

From Office of Administration - Federal Fund (0135).....\$6,500,000

SECTION 5.305. — To the Office of Administration

For the Division of Accounting

For payments to counties for county correctional prosecution reimbursements pursuant to Sections 50.850 and 50.853, RSMo

From General Revenue Fund (0101) \$30,000

SECTION 5.310. — To the Office of Administration

For distribution of state grants to regional planning commissions and local governments as provided by Chapter 251, RSMo

From General Revenue Fund (0101) \$300,000

SECTION 5.315. — To the Office of Administration

For funding transition costs for the Governor, Lieutenant Governor, Secretary of State, Treasurer, and Attorney General

From General Revenue Fund (0101) \$150,000

SECTION 5.450. — To the Office of Administration

For transferring funds for state employees and participating political subdivisions to the OASDHI Contributions Fund and further provided that no more than five percent (5%) flexibility is allowed between federal and other funds within this section; and further provided that not more than twenty-five percent (25%) flexibility is allowed from this section to Section 5.265

From General Revenue Fund (0101)\$81,338,000

From Federal Funds (Various)39,739,000

From Other Funds (Various) 52,217,000

Total.....\$173,294,000

SECTION 5.455. — To the Office of Administration

For the Department of Public Safety

For transferring funds for employees of the State Highway Patrol to the OASDHI Contributions Fund, said transfers to be administered by the Office of Administration

From State Highways and Transportation Department Fund (0644).....\$9,465,000

SECTION 5.460. — To the Office of Administration

For the Division of Accounting

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For the payment of OASDHI taxes for all state employees and for participating political subdivisions within the state to the Treasurer of the United States for compliance with current provisions of Title 2 of the Federal Social Security Act, as amended, in accordance with the agreement between the State Social Security Administrator and the Secretary of the Department of Health and Human Services; and for administration of the agreement under Section 218 of the Social Security Act which extends Social Security benefits to state and local public employees

From OASDHI Contributions Fund (0702)\$182,759,000

SECTION 5.465. — To the Office of Administration

For transferring funds for the state's contribution to the Missouri State Employees' Retirement System to the State Retirement Contributions Fund, provided that no more than five percent (5%) flexibility is allowed between federal and other funds within this section; and further provided that not more than twenty-five percent (25%) flexibility is allowed from this section to Section 5.265

From General Revenue Fund (0101)\$276,915,433

From Federal Funds (Various) 111,903,703

From Other Funds (Various) 88,019,006

Total.....\$476,838,142

SECTION 5.470. — To the Office of Administration

For the Division of Accounting

For payment of the state's contribution to the Missouri State Employees' Retirement System, including debt service and related expenses related to pension obligation bonding and/or a finance agreement between the Missouri State Employees' Retirement System and the State of Missouri, provided that no debt or finance agreement repayment shall extend beyond fiscal year 2021 and further provided that no more than \$11,721,118 shall be expended on administration of the system, excluding investment expenses

From State Retirement Contributions Fund (0701)\$476,838,142

SECTION 5.475. — To the Office of Administration

For the Division of Accounting

For payment of retirement benefits to the Public School Retirement System pursuant to Section 104.342, RSMo

From General Revenue Fund (0101) \$60,000

SECTION 5.480. — To the Office of Administration

For the Division of Accounting

For reimbursing the Division of Employment Security benefit account for claims paid to former state employees for unemployment insurance coverage and for related professional services and further provided that no more than five

percent (5%) flexibility is allowed between federal and other funds within this section

From General Revenue Fund (0101)	\$1,435,534
From Federal Funds (Various)	659,619
From Other Funds (Various)	<u>1,008,915</u>
Total	\$3,104,068

SECTION 5.485. — To the Office of Administration

For the Division of Accounting

For reimbursing the Division of Employment Security benefit account for claims paid to former state employees of the Department of Public Safety for unemployment insurance coverage and for related professional services

From State Highways and Transportation Department Fund (0644)	\$100,000
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SECTION 5.490. — To the Office of Administration

For transferring funds for the state's contribution to the Missouri Consolidated Health Care Plan to the Missouri Consolidated Health Care Plan Benefit Fund, provided that no more than five percent (5%) flexibility is allowed between federal and other funds within this section; and further provided that not more than twenty-five percent (25%) flexibility is allowed from this section to Section 5.265

From General Revenue Fund (0101)	\$297,678,017
From Federal Funds (Various)	175,906,082
From Other Funds (Various)	<u>71,071,841</u>
Total	\$544,655,940

SECTION 5.495. — To the Office of Administration

For the Division of Accounting

For payment of the state's contribution to the Missouri Consolidated Health Care Plan, provided that no more than \$8,675,475 shall be expended on administration of the plan, excluding third-party administrator fees

From Missouri Consolidated Health Care Plan Benefit Fund (0765)	\$544,655,940
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SECTION 5.500. — To the Office of Administration

For the Division of Accounting

For paying refunds for overpayment or erroneous payment of employee withholding taxes

From General Revenue Fund (0101)	\$36,000
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SECTION 5.505. — To the Office of Administration

For the Division of Accounting

For providing voluntary life insurance

From Missouri State Employees Voluntary Life Insurance Fund (0910)	\$3,900,000
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SECTION 5.510. — To the Office of Administration

For the Division of Accounting

For employee medical expense reimbursements reserve

From General Revenue Fund (0101)	\$1
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EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 5.515. — To the Office of Administration

For the Division of Accounting

Personal Service for state payroll contingency

From General Revenue Fund (0101) \$36,000

SECTION 5.520. — To the Office of Administration

For the Division of General Services

For the provision of workers' compensation benefits to state employees through
 either a self-insurance program administered by the Office of Administration
 and/or by contractual agreement with a private carrier and for administrative
 and legal expenses authorized, in part, by Section 105.810, RSMo

From General Revenue Fund (0101) \$37,934,152

From Conservation Commission Fund (0609) 1,200,000

Total..... \$39,134,152

SECTION 5.525. — To the Office of Administration

Funds are to be transferred out of the State Treasury, chargeable to various
 funds, amounts paid from the General Revenue Fund for workers'
 compensation benefits provided to employees paid from these other funds,
 to the General Revenue Fund and further provided that no more than five
 percent (5%) flexibility is allowed between federal and other funds within
 this section

From Federal Funds (Various) \$5,016,792

From Other Funds (Various) 3,949,150

Total..... \$8,965,942

SECTION 5.530. — To the Office of Administration

For the Division of General Services

For workers' compensation tax payments pursuant to Section 287.690, RSMo

From General Revenue Fund (0101) \$3,165,000

From Conservation Commission Fund (0609) 125,000

Total..... \$3,290,000

Office of Administration Totals

General Revenue Fund..... \$225,385,244

Federal Funds..... 111,637,562

Other Funds..... 196,423,416

Total..... \$533,446,222

Employee Benefits Totals

General Revenue Fund..... \$698,562,137

Federal Funds..... 328,208,404

Other Funds..... 227,106,762

Total..... \$1,253,877,303

Approved June 30, 2020

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
 Matter in bold-face type is proposed language.

CCS SS SCS HS HCS HB 2006

Appropriates money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, and Department of Conservation

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2020, and ending June 30, 2021.

Be it enacted by the General Assembly of the state of Missouri, as follows:

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, fund transfer, and program described herein for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2020, and ending June 30, 2021, as follows:

PART 1

SECTION 6.000. Each appropriation in this act shall consist of the item or items in each section of Part 1 of this act, for the amount and purpose and from the fund designated in each section of Part 1, as well as all additional clarifications of purpose in Part 2 of this act that make reference by section to said item or items in Part 1. Any clarification of purpose in Part 2 shall state the section or sections in Part 1 to which it attaches and shall, together with the language of said section(s) in Part 1, form the complete statement of purpose of the appropriation. As such, the provisions of Part 2 of this act shall not be severed from Part 1, and if any clarification of purpose in Part 2 is for any reason held to be invalid, such decision shall invalidate all of the appropriations in this act of which said clarification of purpose is a part.

***SECTION 6.005.** — To the Department of Agriculture

For the Office of the Director, provided that three percent (3%) flexibility is allowed from this section to Section 6.135

Expense and Equipment

From General Revenue Fund (0101) \$50,000

For the Office of the Director, provided that twenty-five percent (25%) flexibility is allowed between funds and no flexibility is allowed between personal service and expense and equipment

Personal Service..... 208,536

Annual salary adjustment in accordance with Section 105.005, RSMo.....5

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Expense and Equipment.....	1,184,186
From Department of Agriculture Federal Fund (0133).....	1,392,727
Personal Service.....	620,994
Annual salary adjustment in accordance with Section 105.005, RSMo.....	1,550
Expense and Equipment.....	117,555
From Agriculture Protection Fund (0970).....	740,099
Personal Service.....	24,226
Annual salary adjustment in accordance with Section 105.005, RSMo.....	138
Expense and Equipment.....	2,494
From Animal Care Reserve Fund (0295).....	26,858
Personal Service.....	24,305
Expense and Equipment.....	2,500
From Animal Health Laboratory Fee Fund (0292).....	26,805
Personal Service.....	70,771
Expense and Equipment.....	5,192
From Grain Inspection Fee Fund (0647).....	75,963
Personal Service.....	18,871
Expense and Equipment.....	1,548
From Missouri Land Survey Fund (0668).....	20,419
Personal Service.....	40,637
Expense and Equipment.....	3,159
From Missouri Wine and Grape Fund (0787).....	43,796
Personal Service.....	79,689
Expense and Equipment.....	6,178
From Petroleum Inspection Fund (0662).....	85,867
Personal Service.....	92,284
Annual salary adjustment in accordance with Section 105.005, RSMo.....	178
Expense and Equipment.....	7,284
From State Fair Fee Fund (0410).....	99,746
For refunds of erroneous receipts due to errors in application for licenses, registrations, permits, certificates, subscriptions, or other fees	
From Agriculture Protection Fund (0970).....	13,500
For receiving and expending grants, donations, contracts, and payments from private, federal, and other governmental agencies which may become available between sessions of the General Assembly provided the General Assembly shall be notified of the source of any new funds and the purpose for which they shall be expended, in writing, prior to the use of said funds	
From Department of Agriculture Federal Fund (0133).....	284,883
Total (Not to exceed 21.10 F.T.E.).....	\$2,860,663

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

*I hereby veto \$667 federal and other funds for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

For the Office of the Director.

Expense and Equipment by \$31 from \$1,184,186 to \$1,184,155 from Department of Agriculture Federal Fund.

From \$1,392,727 to \$1,392,696 in total from Department of Agriculture Federal Fund.

Expense and Equipment by \$636 from \$117,555 to \$116,919 from Agriculture Protection Fund.

From \$740,099 to \$739,463 in total from Agriculture Protection Fund.

From \$2,860,663 to \$2,859,996 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 6.010. — To the Department of Agriculture

Funds are to be transferred out of the State Treasury to the Veterinary

Student Loan Payment Fund

From Lottery Proceeds Fund (0291)..... \$120,000

SECTION 6.015. — To the Department of Agriculture

For large animal veterinary student loans in accordance with the provisions of

Sections 340.375 to 340.396, RSMo

From Veterinary Student Loan Payment Fund (0803)..... \$180,000

***SECTION 6.020.** — To the Department of Agriculture

For the Agriculture Business Development Division, provided that three percent

(3%) flexibility is allowed from this section to Section 6.135

Personal Service..... \$44,962

Expense and Equipment..... 31,500

From General Revenue Fund (0101) 76,462

For the Agriculture Business Development Division, provided that twenty-five

percent (25%) flexibility is allowed between funds and no flexibility is

allowed between personal service and expense and equipment

Personal Service..... 65,159

Expense and Equipment..... 423,886

From Department of Agriculture Federal Fund (0133) 489,045

Personal Service..... 19,238

Expense and Equipment..... 76,735

From Agriculture Business Development Fund (0683) 95,973

Expense and Equipment

From AgriMissouri Fund (0897)..... 140,000

Personal Service..... 1,282,394

Expense and Equipment..... 424,118

From Agriculture Protection Fund (0970)..... 1,706,512

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For the Governor's Conference on Agriculture From Agriculture Business Development Fund (0683)	210,638
For urban and non-traditional agriculture From Agriculture Protection Fund (0970).....	25,000
For competitive grants to innovative projects that promote agriculture in urban/suburban communities From Agriculture Protection Fund (0970).....	50,000
For supporting farmers' markets, apiary programs, and other economic development initiatives that work to reduce food insecurity in areas which have been designated an urbanized area by the United States Census Bureau From General Revenue Fund (0101)	200,000
For Delta Regional Authority Organizational Dues From Agriculture Protection Fund (0970).....	150,644
For the Abattoir Program From General Revenue Fund (0101)	<u>1</u>
Total (Not to exceed 28.51 F.T.E.)	\$3,144,275

*I hereby veto \$3,114 Agriculture Protection Fund for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

For the Agriculture Business Development Division.
Expense and Equipment by \$3,114 from \$424,118 to \$421,004 from Agriculture Protection Fund.
From \$1,706,512 to \$1,703,398 in total from Agriculture Protection Fund.
From \$3,144,275 to \$3,141,161 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 6.025. — To the Department of Agriculture

For the Agriculture Business Development Division For the AgriMissouri Marketing Program Personal Service.....	\$38,973
Expense and Equipment.....	<u>218,756</u>
From Agriculture Protection Fund (0970) (Not to exceed 0.97 F.T.E.).....	\$257,729

***SECTION 6.030.** — To the Department of Agriculture

For the Agriculture Business Development Division For the Wine and Grape Program, provided that five percent (5%) flexibility is allowed between personal service and expense and equipment Personal Service.....	\$290,983
Expense and Equipment.....	<u>1,598,695</u>
From Missouri Wine and Grape Fund (0787) (Not to exceed 5.00 F.T.E.).....	\$1,889,678

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

*I hereby veto \$10,000 Missouri Wine and Grape Fund for increased Wine and Grape Program staff salaries. This increase was not part of my budget recommendations. This veto will prevent salary increases for targeted staff at a time when other state employees aren't receiving salary increases due to revenue losses associated with the COVID-19 pandemic.

Personal Service by \$10,000 from \$290,983 to \$280,983 from Missouri Wine and Grape Fund.
From \$1,889,678 to \$1,879,678 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 6.035. — To the Department of Agriculture

For the Agriculture Business Development Division

For the Agriculture and Small Business Development Authority, provided that
twenty-five percent (25%) flexibility is allowed between funds and no
flexibility is allowed between personal service and expense and equipment

Personal Service.....	\$123,725
Expense and Equipment.....	9,264
From Single-Purpose Animal Facilities Loan Program Fund (0408)	132,989

Personal Service.....	11,923
Expense and Equipment.....	2,000
From Livestock Feed and Crop Input Loan Program Fund (0978).....	13,923

Expense and Equipment	
From Agricultural Product Utilization Grant Fund (0413)	100
Total (Not to exceed 3.20 F.T.E.).....	\$147,012

SECTION 6.040. — To the Department of Agriculture

Funds are to be transferred out of the State Treasury to the Single-Purpose
Animal Facilities Loan Guarantee Fund, provided that one hundred percent
(100%) flexibility is allowed between Sections 6.040, 6.050, and 6.060, and
further provided that three percent (3%) flexibility is allowed from this
section to Section 6.135

From General Revenue Fund (0101)	\$5,000
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SECTION 6.045. — To the Department of Agriculture

For loan guarantees as provided in Sections 348.190 and 348.200, RSMo

From Single-Purpose Animal Facilities Loan Guarantee Fund (0409)	\$201,046
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SECTION 6.050. — To the Department of Agriculture

Funds are to be transferred out of the State Treasury to the Agricultural
Product Utilization and Business Development Loan Guarantee Fund,
provided that one hundred percent (100%) flexibility is allowed between
Sections 6.040, 6.050, and 6.060, and further provided that three percent
(3%) flexibility is allowed from this section to Section 6.135

From General Revenue Fund (0101)	\$15,000
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EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 6.055. — To the Department of Agriculture

For loan guarantees as provided in Sections 348.403, 348.408, and 348.409,
RSMo

From Agricultural Product Utilization and Business Development Loan

Guarantee Fund (0411).....\$624,501

SECTION 6.060. — To the Department of Agriculture

Funds are to be transferred out of the State Treasury to the Livestock Feed
and Crop Input Loan Guarantee Fund, provided that one hundred percent
(100%) flexibility is allowed between Sections 6.040, 6.050, and 6.060, and
further provided that three percent (3%) flexibility is allowed from this
section to Section 6.135

From General Revenue Fund (0101)\$5,000

SECTION 6.065. — To the Department of Agriculture

For loan guarantees for loans administered by the Missouri Agricultural and
Small Business Development Authority for the purpose of financing the
purchase of livestock feed used to produce livestock and input used to
produce crops for the feeding of livestock, provided that the appropriation
may not exceed \$2,000,000

From Livestock Feed and Crop Input Loan Guarantee Fund (0914)\$50,000

SECTION 6.070. — To the Department of Agriculture

For the Agriculture Business Development Division

For the Agriculture Development Program

Personal Service.....\$80,403

Expense and Equipment.....41,744

From Agriculture Development Fund (0904)122,147

For all monies in the Agriculture Development Fund for investments,
reinvestments, and for emergency agricultural relief and rehabilitation as
provided by law

From Agriculture Development Fund (0904)100,000

Total (Not to exceed 1.60 F.T.E.)\$222,147

SECTION 6.075. — To the Department of Agriculture

For the Missouri Dairy Industry Revitalization Act

From Missouri Dairy Industry Revitalization Fund (0414)\$25,000

***SECTION 6.080.** — To the Department of Agriculture

For the Division of Animal Health, provided that three percent (3%) flexibility
is allowed from this section to Section 6.135

Personal Service.....\$2,778,425

Expense and Equipment.....902,459

From General Revenue Fund (0101)3,680,884

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For the Division of Animal Health, provided that twenty-five percent (25%) flexibility is allowed between funds and no flexibility is allowed between personal service and expense and equipment	
Personal Service.....	895,053
Expense and Equipment.....	<u>588,783</u>
From Department of Agriculture Federal Fund (0133)	1,483,836
Personal Service.....	111,943
Expense and Equipment.....	<u>917,050</u>
From Animal Health Laboratory Fee Fund (0292)	1,028,993
Personal Service.....	484,180
Expense and Equipment.....	<u>185,956</u>
From Animal Care Reserve Fund (0295)	670,136
Personal Service	
From Livestock Brands Fund (0299)	117
Expense and Equipment	
From Agriculture Protection Fund (0970)	2,462
Expense and Equipment	
From Puppy Protection Trust Fund (0985)	5,000
Expense and Equipment	
From Large Carnivore Fund (0988)	10,000
To support local efforts to spay and neuter cats and dogs	
From Missouri Pet Spay/Neuter Fund (0747)	50,000
To support the Livestock Brands Program	
From Livestock Brands Fund (0299)	30,698
For expenses incurred in regulating Missouri livestock markets	
From Livestock Sales and Markets Fees Fund (0581)	30,690
For processing livestock market bankruptcy claims	
From Agriculture Bond Trustee Fund (0756)	129,000
For contributions, gifts, and grants in support of relief efforts to reduce the suffering of abandoned animals	
From State Institutions Gift Trust Fund (0925).....	5,000
For support, workforce assistance, equipment and capital improvements to meat processing facilities located in the state who employ less than 200 employees in the state to address supply chain disruptions and mitigate health and environmental impacts as a result of the COVID-19 pandemic	
From Department of Agriculture Federal Stimulus Fund (2395)	<u>20,000,000</u>
Total (Not to exceed 83.97 F.T.E.)	\$27,126,816

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

*I hereby veto \$83 general revenue for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$83 from \$902,459 to \$902,376 from General Revenue Fund.

From \$3,680,884 to \$3,680,801 in total from General Revenue Fund.

From \$27,126,816 to \$27,126,733 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 6.085. — To the Department of Agriculture

For the Division of Animal Health

For indemnity payments and for indemnifying producers and owners of livestock and poultry for preventing the spread of disease during emergencies declared by the State Veterinarian, subject to the approval by the Department of Agriculture of a state match rate up to fifty percent (50%), provided that three percent (3%) flexibility is allowed from this section to Section 6.135

From General Revenue Fund (0101) \$10,000

***SECTION 6.090.** — To the Department of Agriculture

For the Division of Grain Inspection and Warehousing, provided that five percent (5%) flexibility is allowed between personal service and expense and equipment, and further provided that three percent (3%) flexibility is allowed from this section to Section 6.135

Personal Service..... \$741,045

Expense and Equipment..... 85,998

From General Revenue Fund (0101) 827,043

For the Division of Grain Inspection and Warehousing, provided that twenty-five percent (25%) flexibility is allowed between funds, and five percent (5%) flexibility is allowed between personal service and expense and equipment

Personal Service..... 37,819

Expense and Equipment..... 36,211

From Department of Agriculture Federal Fund (0133) 74,030

Personal Service..... 54,605

Expense and Equipment..... 31,651

From Commodity Council Merchandising Fund (0406) 86,256

Personal Service..... 2,182,025

Expense and Equipment..... 604,694

From Grain Inspection Fee Fund (0647) 2,786,719

Expense and Equipment

From Agriculture Protection Fund (0970) 85,000

Total (Not to exceed 82.00 F.T.E.) \$3,859,048

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

*I hereby veto \$35 general revenue for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$35 from \$85,998 to \$85,963 from General Revenue Fund.

From \$827,043 to \$827,008 in total from General Revenue Fund.

From \$3,859,048 to \$3,859,013 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 6.095. — To the Department of Agriculture
For the Division of Grain Inspection and Warehousing
For the Missouri Aquaculture Council
From Aquaculture Marketing Development Fund (0573) \$7,000

For research, promotion, and market development of apples
From Apple Merchandising Fund (0615) 7,000

For the Missouri Wine Marketing and Research Council
From Missouri Wine Marketing and Research Development Fund (0855) 60,000
Total..... \$74,000

***SECTION 6.100.** — To the Department of Agriculture
For the Division of Plant Industries, provided that twenty-five percent (25%)
flexibility is allowed between funds in this section and no flexibility is
allowed between personal service and expense and equipment
Personal Service..... \$958,361
Expense and Equipment..... 1,280,564
From Department of Agriculture Federal Fund (0133) 2,238,925

Personal Service..... 252,430
Expense and Equipment..... 34,112
From Industrial Hemp Fund (0476) 286,542

Personal Service..... 2,341,880
Expense and Equipment..... 1,283,018
From Agriculture Protection Fund (0970) 3,624,898
For the design and provision of new pesticide applicator training by the
University of Missouri Extension
From State Institutions Gift Trust Fund (0925)..... 200,000

For the Invasive Pest Control Program, provided that twenty-five percent (25%)
flexibility is allowed between funds in this section and no flexibility is
allowed between personal service and expense and equipment
Personal Service..... 33,071
Expense and Equipment..... 71,388
From Department of Agriculture Federal Fund (0133)..... 104,459

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Personal Service.....	140,437
Expense and Equipment.....	<u>58,000</u>
From Agriculture Protection Fund (0970)	198,437

For the Boll Weevil Eradication Program, provided that twenty-five percent (25%) flexibility is allowed between funds in this section and no flexibility is allowed between personal service and expense and equipment

Personal Service.....	42,613
Expense and Equipment.....	<u>24,657</u>
From Boll Weevil Suppression and Eradication Fund (0823).....	<u>67,270</u>
Total (Not to exceed 81.81 F.T.E.)	\$6,720,531

*I hereby veto \$572 federal and other funds for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

For the Division of Plant Industries.

Expense and Equipment by \$225 from \$1,280,564 to \$1,280,339 from Department of Agriculture Federal Fund.

From \$2,238,925 to \$2,238,700 in total from Department of Agriculture Federal Fund.

Expense and Equipment by \$347 from \$1,283,018 to \$1,282,671 from Agriculture Protection Fund.

From \$3,624,898 to \$3,624,551 in total from Agriculture Protection Fund.

From \$6,720,531 to \$6,719,959 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 6.105.** — To the Department of Agriculture

For the Division of Weights, Measures and Consumer Protection, provided that five percent (5%) flexibility is allowed between personal service and expense and equipment, and further provided that three percent (3%) flexibility is allowed from this section to Section 6.135

Personal Service.....	\$471,003
Expense and Equipment.....	<u>100,528</u>
From General Revenue Fund (0101)	571,531

For the Division of Weights, Measures and Consumer Protection, provided that twenty-five percent (25%) flexibility is allowed between funds, and five percent (5%) flexibility is allowed between personal service and expense and equipment

Personal Service.....	40,160
Expense and Equipment.....	<u>50,000</u>
From Department of Agriculture Federal Fund (0133)	90,160

Personal Service.....	563,562
Expense and Equipment.....	<u>275,225</u>
From Agriculture Protection Fund (0970).....	838,787

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Personal Service.....	1,696,029
Expense and Equipment.....	<u>965,231</u>
From Petroleum Inspection Fund (0662)	<u>2,661,260</u>
Total (Not to exceed 68.11 F.T.E.)	<u>\$4,161,738</u>

*I hereby veto \$203, including \$66 general revenue, for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$66 from \$100,528 to \$100,462 from General Revenue Fund.
From \$571,531 to \$571,465 in total from General Revenue Fund.

Expense and Equipment by \$137 from \$275,225 to \$275,088 from Agriculture Protection Fund.
From \$838,787 to \$838,650 in total from Agriculture Protection Fund.

From \$4,161,738 to \$4,161,535 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 6.110. — To the Department of Agriculture

For the Missouri Land Survey Program, provided that twenty-five percent (25%) flexibility is allowed between funds and no flexibility is allowed between personal service and expense and equipment

Personal Service.....	\$762,985
Expense and Equipment.....	<u>206,830</u>
From Missouri Land Survey Fund (0668).....	<u>969,815</u>

Personal Service.....	181,835
Expense and Equipment.....	<u>80,000</u>
From Department of Agriculture Land Survey Revolving Services Fund (0426).....	<u>261,835</u>

For surveying corners and for records restorations, provided that twenty-five percent (25%) flexibility is allowed between funds

Expense and Equipment	
From Department of Agriculture Federal Fund (0133)	60,000
From Missouri Land Survey Fund (0668)	<u>90,000</u>
Total (Not to exceed 14.68 F.T.E.)	<u>\$1,381,650</u>

SECTION 6.115. — To the Department of Agriculture

For the Missouri State Fair, provided that twenty-five percent (25%) flexibility is allowed between funds, and five percent (5%) flexibility is allowed between personal service and expense and equipment

Personal Service.....	\$1,459,845
Expense and Equipment.....	<u>3,273,162</u>
From State Fair Fee Fund (0410)	<u>4,733,007</u>

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Personal Service	
From Agriculture Protection Fund (0970).....	<u>558,628</u>
Total (Not to exceed 59.38 F.T.E.)	\$5,291,635

SECTION 6.120. — To the Department of Agriculture

For cash to start the Missouri State Fair

Expense and Equipment	
From State Fair Fee Fund (0410)	\$74,250
From State Fair Trust Fund (0951)	<u>9,900</u>
Total.....	\$84,150

SECTION 6.125. — To the Department of Agriculture

For the Missouri State Fair

For equipment replacement

Expense and Equipment	
From State Fair Fee Fund (0410)	\$165,962

SECTION 6.130. — To the Department of Agriculture

For the State Milk Board, provided that five percent (5%) flexibility is allowed between personal service and expense and equipment, and further provided that three percent (3%) flexibility is allowed from this section to Section 6.135

Personal Service.....	\$110,719
Expense and Equipment.....	<u>852</u>
From General Revenue Fund (0101)	111,571

For the State Milk Board, provided that twenty-five percent (25%) flexibility is allowed between the State Milk Board and Milk Board Local Health, and five percent (5%) flexibility is allowed between personal service and expense and equipment

Personal Service.....	490,595
Expense and Equipment.....	<u>212,407</u>
From State Milk Inspection Fee Fund (0645)	703,002

For Milk Board Local Health

Expense and Equipment	
From State Milk Inspection Fee Fund (0645)	<u>736,022</u>
Total (Not to exceed 9.93 F.T.E.)	\$1,550,595

SECTION 6.135. — To the Department of Agriculture

Funds are to be transferred out of the State Treasury to the State Legal Expense Fund for the payment of claims, premiums, and expenses as provided by Section 105.711 through 105.726, RSMo

From General Revenue Fund (0101)	\$1
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EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 6.200. — To the Department of Natural Resources

For department operations, administration, and support, provided that three percent (3%) flexibility is allowed from this section to Section 6.415

Personal Service.....	\$199,722
Annual salary adjustment in accordance with Section 105.005, RSMo.....	94
Expense and Equipment.....	<u>61,856</u>
From General Revenue Fund (0101)	261,672

For department operations, administration, and support, provided that five percent (5%) flexibility is allowed between funds and no flexibility is allowed between personal service and expense and equipment

Personal Service.....	533,958
Annual salary adjustment in accordance with Section 105.005, RSMo.....	254
Expense and Equipment.....	<u>105,142</u>
From Department of Natural Resources Federal Fund (0140)	639,354

Personal Service.....	3,145,914
Annual salary adjustment in accordance with Section 105.005, RSMo.....	1,533
Expense and Equipment.....	<u>519,889</u>
From DNR Cost Allocation Fund (0500)	3,667,336

Personal Service	
From Department of Natural Resources Revolving Services Fund (0425)	44,656

For Contractual Audits

From State Park Earnings Fund (0415)	75,000
From Solid Waste Management Fund (0570)	78,000
From Soil and Water Sales Tax Fund (0614)	<u>150,000</u>
Total (Not to exceed 74.71 F.T.E.)	\$4,916,018

SECTION 6.225. — To the Department of Natural Resources

For the Division of Environmental Quality, provided that fifteen percent (15%) flexibility is allowed between programs and/or regional offices, and fifteen percent (15%) flexibility is allowed between personal service and expense and equipment, and further provided that three percent (3%) flexibility is allowed from this section to Section 6.415

Personal Service.....	\$3,798,766
Expense and Equipment.....	<u>610,472</u>
From General Revenue Fund (0101)	4,409,238

For the Division of Environmental Quality, provided that twenty-five percent (25%) flexibility is allowed between funds and no flexibility is allowed between personal service and expense and equipment

Personal Service.....	13,216,637
Expense and Equipment.....	<u>2,812,095</u>
From Department of Natural Resources Federal Fund (0140)	16,028,732

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Personal Service.....	1,256,523
Expense and Equipment.....	<u>137,037</u>
From DNR Cost Allocation Fund (0500)	1,393,560
Personal Service.....	32,122
Expense and Equipment.....	<u>52,302</u>
From Environmental Radiation Monitoring Fund (0656).....	84,424
Personal Service.....	2,031,209
Expense and Equipment.....	<u>240,124</u>
From Hazardous Waste Fund (0676)	2,271,333
Personal Service.....	1,061,292
Expense and Equipment.....	<u>95,475</u>
From Missouri Air Emission Reduction Fund (0267)	1,156,767
Personal Service.....	110,617
Expense and Equipment.....	<u>57,836</u>
From Volkswagen Environmental Mitigation Trust Proceeds Fund (0268)	168,453
Personal Service.....	280,526
Expense and Equipment.....	<u>49,983</u>
From Natural Resources Protection Fund (0555)	330,509
Personal Service.....	299,744
Expense and Equipment.....	<u>43,691</u>
From Natural Resources Protection Fund - Air Pollution Asbestos Fee	
Subaccount (0584)	343,435
Personal Service.....	3,723,601
Expense and Equipment.....	<u>606,307</u>
From Natural Resources Protection Fund - Air Pollution Permit Fee	
Subaccount (0594)	4,329,908
Personal Service.....	4,626,964
Expense and Equipment.....	<u>922,040</u>
From Natural Resources Protection Fund - Water Pollution Permit Fee	
Subaccount (0568)	5,549,004
Personal Service.....	2,239,175
Expense and Equipment.....	<u>956,213</u>
From Safe Drinking Water Fund (0679)	3,195,388
Personal Service.....	1,174,888
Expense and Equipment.....	<u>329,982</u>
From Soil and Water Sales Tax Fund (0614)	1,504,870
Personal Service.....	2,076,166
Expense and Equipment.....	<u>404,061</u>
From Solid Waste Management Fund (0570)	2,480,227

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Personal Service.....	494,370
Expense and Equipment.....	<u>97,249</u>
From Solid Waste Management Fund - Scrap Tire Subaccount (0569)	591,619
Personal Service.....	285,970
Expense and Equipment.....	<u>27,002</u>
From Coal Combustion Residuals Subaccount (0551)	312,972
Personal Service.....	108,604
Expense and Equipment.....	<u>46,166</u>
From Underground Storage Tank Regulation Program Fund (0586)	154,770
Personal Service.....	801,360
Expense and Equipment.....	<u>81,675</u>
From Water and Wastewater Loan Fund (0649)	<u>883,035</u>
Total (Not to exceed 773.28 F.T.E.)	\$45,188,244

SECTION 6.230. — To the Department of Natural Resources

For environmental education and studies, demonstration projects, and technical assistance grants, provided that twenty-five percent (25%) flexibility is allowed between funds

From Department of Natural Resources Federal Fund (0140)	\$350,000
From Natural Resources Protection Fund - Water Pollution Permit Fee Subaccount (0568)	<u>450,000</u>
Total.....	\$800,000

SECTION 6.235. — To the Department of Natural Resources

For water infrastructure grants and loans, provided that \$225,529,824 be used solely to encumber funds for future fiscal year expenditures, and provided that twenty-five percent (25%) flexibility is allowed between funds

From Water and Wastewater Loan Fund (0649)	\$140,528,640
From Water and Wastewater Loan Revolving Fund (0602).....	382,615,896
From Water Pollution Control (37E) Funds (0330)	20,000
From Water Pollution Control (37G) Funds (0329)	10,000
From Stormwater Control (37H) Funds (0302)	10,000
From Storm Water Loan Revolving Fund (0754)	3,014,141
From Rural Water and Sewer Loan Revolving Fund (0755)	2,100,000
From Natural Resources Protection Fund - Water Pollution Permit Fee Subaccount (0568)	<u>12,239,999</u>
Total.....	\$540,538,676

SECTION 6.240. — To the Department of Natural Resources

For grants and contracts to study or reduce water pollution, improve ground water and/or surface water quality, provided that \$11,000,000 be used solely to encumber funds for future fiscal year expenditures, and provided that twenty-five percent (25%) flexibility is allowed between funds

From Department of Natural Resources Federal Fund (0140)	\$19,000,000
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EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

From Natural Resources Protection Fund - Water Pollution Permit Fee
Subaccount (0568) 4,800,000

For drinking water sampling, analysis, and public drinking water quality and
treatment studies
From Safe Drinking Water Fund (0679) 599,852
Total..... \$24,399,852

SECTION 6.245. — To the Department of Natural Resources

For closure of concentrated animal feeding operations
From Concentrated Animal Feeding Operation Indemnity Fund (0834) \$60,000

SECTION 6.250. — To the Department of Natural Resources

For demonstration projects and technical assistance related to soil and water
conservation
Expense and Equipment
From Department of Natural Resources Federal Fund (0140) \$1,000,000

For grants to local soil and water conservation districts 14,680,570
For soil and water conservation cost-share grants..... 40,000,000
For a conservation monitoring program 400,000
For grants to colleges and universities for research projects on soil erosion
and conservation 400,000
From Soil and Water Sales Tax Fund (0614)..... 55,480,570
Total..... \$56,480,570

SECTION 6.255. — To the Department of Natural Resources

For grants and contracts for air pollution control activities, provided that twenty-
five percent (25%) flexibility is allowed between funds
From Department of Natural Resources Federal Fund (0140) \$1,500,000
From Natural Resources Protection Fund - Air Pollution Permit Fee
Subaccount (0594) 100,000

For grants and contracts for air pollution control activities in accordance with the
department's beneficiary mitigation plan dated August 6, 2018
From Volkswagen Environmental Mitigation Trust Proceeds Fund (0268) 13,500,000
Total..... \$15,100,000

SECTION 6.260. — To the Department of Natural Resources

Funds are to be transferred out of the State Treasury to the Hazardous Waste
Fund
From General Revenue Fund (0101) \$899,642

SECTION 6.265. — To the Department of Natural Resources

For the cleanup of hazardous waste or substances
From Department of Natural Resources Federal Fund (0140) \$1,175,000
From Hazardous Waste Fund (0676)..... 2,803,944
Total..... \$3,978,944

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 6.270. — To the Department of Natural Resources

For implementation provisions of the Solid Waste Management Law in
accordance with Sections 260.250 through 260.345, RSMo

From Solid Waste Management Fund (0570).....\$7,998,820
From Solid Waste Management Fund - Scrap Tire Subaccount (0569).....2,000,000

For grants to Solid Waste Management Districts for funding community-based
reduce, reuse, and recycle grants

From Solid Waste Management Fund (0570).....4,500,000
Total.....\$14,498,820

SECTION 6.275. — To the Department of Natural Resources

For expenditures of forfeited financial assurance instruments to ensure proper
closure and post closure of solid waste landfills, with general revenue
expenditures not to exceed collections pursuant to Section 260.228, RSMo

Personal Service.....\$20,808
Expense and Equipment.....130,000
From General Revenue Fund (0101)150,808

For expenditures of forfeited financial assurance instruments to ensure proper
closure and post closure of solid waste landfills, provided that ten percent
(10%) flexibility is allowed between personal service and expense and
equipment

Personal Service.....108
Expense and Equipment.....423,973
From Post Closure Fund (0198)424,081
Total.....\$574,889

SECTION 6.280. — To the Department of Natural Resources

For environmental emergency response

From Hazardous Waste Fund (0676).....\$500,000

For cleanup of controlled substances

From Department of Natural Resources Federal Fund (0140)100,000
Total.....\$600,000

SECTION 6.285. — To the Department of Natural Resources

For petroleum related activities and environmental emergency response

Personal Service.....\$1,056,406
Expense and Equipment.....84,673
From Petroleum Storage Tank Insurance Fund (0585) (Not to exceed
21.20 F.T.E.)\$1,141,079

***SECTION 6.300.** — To the Department of Natural Resources

For the Missouri Geological Survey, provided that three percent (3%) flexibility
is allowed from this section to Section 6.415

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Personal Service.....	\$2,404,993
Expense and Equipment.....	<u>1,021,887</u>
From General Revenue Fund (0101).....	3,426,880
For the Missouri Geological Survey, provided that twenty-five percent (25%) flexibility is allowed between funds and no flexibility is allowed between personal service and expense and equipment	
Personal Service.....	1,529,641
Expense and Equipment.....	<u>413,017</u>
From Department of Natural Resources Federal Fund (0140)	1,942,658
Personal Service	
From Department of Natural Resources Revolving Services Fund (0425)	17,297
Personal Service.....	607,059
Expense and Equipment.....	<u>97,405</u>
From Groundwater Protection Fund (0660).....	704,464
Personal Service.....	15,480
Expense and Equipment.....	<u>5,072</u>
From Natural Resources Protection Fund - Water Pollution Permit Fee Subaccount (0568).....	20,552
Personal Service.....	179,373
Expense and Equipment.....	<u>9,480</u>
From Solid Waste Management Fund (0570).....	188,853
Personal Service.....	164,786
Expense and Equipment.....	<u>31,010</u>
From Hazardous Waste Fund (0676).....	195,796
Personal Service.....	17,554
Expense and Equipment.....	<u>4,105</u>
From DNR Cost Allocation Fund (0500).....	21,659
Personal Service.....	129,699
Expense and Equipment.....	<u>18,270</u>
From Geologic Resources Fund (0801).....	147,969
Personal Service.....	33,957
Expense and Equipment.....	<u>13,761</u>
From Metallic Minerals Waste Management Fund (0575).....	47,718
Personal Service.....	369,835
Expense and Equipment.....	<u>202,045</u>
From Mined Land Reclamation Fund (0906)	571,880
Expense and Equipment	
From Abandoned Mine Reclamation Fund (0697)	13

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Personal Service.....	7,790
Expense and Equipment.....	<u>7,625</u>
From Oil and Gas Remedial Fund (0699).....	15,415
Personal Service.....	90,032
Expense and Equipment.....	<u>12,006</u>
From Oil and Gas Resources Fund (0543).....	102,038
Personal Service.....	58,936
Expense and Equipment.....	<u>5,401</u>
From Coal Combustion Residuals Subaccount (0551)	64,337
Personal Service.....	10,680
Expense and Equipment.....	<u>2,000</u>
From Natural Resources Protection Fund (0555)	12,680
Personal Service	92,590
Expense and equipment.....	<u>3,902</u>
From Multipurpose Water Resource Program Fund (0815).....	<u>96,492</u>
Total (Not to exceed 115.42 F.T.E.)	\$7,576,701

*I hereby veto \$642 general revenue for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$642 from \$1,021,887 to \$1,021,245 from General Revenue Fund.
 From \$3,426,880 to \$3,426,238 in total from General Revenue Fund.
 From \$7,576,701 to \$7,576,059 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 6.305. — To the Department of Natural Resources

Funds are to be transferred out of the State Treasury to the Mined Land Reclamation Fund, provided that three percent (3%) flexibility is allowed from this section to Section 6.415

From General Revenue Fund (0101) \$200,000

SECTION 6.310. — To the Department of Natural Resources

Funds are to be transferred out of the State Treasury to the Multipurpose Water Resource Program Fund

From General Revenue Fund (0101) \$12,104,030

From Department of Natural Resources Federal Stimulus Fund (2365) 12,161,012

For the Multipurpose Water Resource Program

From Multipurpose Water Resource Program Fund (0815)..... 25,015,042

For a drought response plan, water supply availability studies, watershed feasibility studies and related efforts to protect Missouri's water supply interests

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
 Matter in bold-face type is proposed language.

From General Revenue Fund (0101)	924,920
Total.....	\$50,205,004

SECTION 6.315. — To the Department of Natural Resources

For bond forfeiture funds for the reclamation of mined land

From Mined Land Reclamation Fund (0906)	\$350,000
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For the reclamation of abandoned mined lands

From Department of Natural Resources Federal Fund (0140)	3,732,500
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For contracts for hydrologic studies to assist small coal operators to meet permit requirements

From Department of Natural Resources Federal Fund (0140)	1,000
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Total.....	\$4,083,500
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SECTION 6.320. — To the Department of Natural Resources

For expense and equipment in accordance with the provisions of Section 259.190, RSMo

From Oil and Gas Remedial Fund (0699)	\$150,000
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SECTION 6.325. — To the Department of Natural Resources

Funds are to be transferred out of the State Treasury to the Missouri Water Development Fund, provided that three percent (3%) flexibility is allowed from this section to Section 6.415

From General Revenue Fund (0101)	\$477,098
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SECTION 6.330. — To the Department of Natural Resources

For interest, operations, and maintenance in accordance with the Clarence Cannon Water Contract

From Missouri Water Development Fund (0174)	\$477,098
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SECTION 6.340. — To the Department of Natural Resources

For the Division of Energy, provided that fifty percent (50%) flexibility is allowed between funds and no flexibility is allowed between personal service and expense and equipment

Personal Service.....	\$1,307,389
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Expense and Equipment.....	609,299
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From Department of Natural Resources Federal Fund (0140)	1,916,688
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Personal Service.....	485,804
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Expense and Equipment.....	104,580
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From Energy Set-Aside Program Fund (0667)	590,384
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Personal Service.....	329,055
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Expense and Equipment.....	32,050
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From Energy Futures Fund (0935).....	361,105
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Total (Not to exceed 36.00 F.T.E.)	\$2,868,177
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EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 6.345. — To the Department of Natural Resources

For the promotion of energy, renewable energy, and energy efficiency, provided that \$20,000,000 be used solely to encumber funds for future fiscal year expenditures

From Department of Natural Resources Federal Fund (0140)	\$12,100,800
From Energy Set-Aside Program Fund (0667)	22,000,000
From Biodiesel Fuel Revolving Fund (0730)	25,000
From Energy Futures Fund (0935).....	5,100,000
From Utilicare Stabilization Fund (0134).....	100

For the Low-Income Weatherization Assistance Program

From Department of Natural Resources Federal Fund (0140)	8,400,000
From Department of Natural Resources Federal Stimulus Fund (2365)	<u>1,996,764</u>
Total.....	\$49,622,664

SECTION 6.350. — To the Department of Natural Resources

For the Wood Energy Tax Credit Program

For the redemption of tax credits issued on or after July, 1, 2020, under Sections 135.300 through 135.311, RSMo, provided that three percent (3%) flexibility is allowed from this section to Section 6.415

From General Revenue Fund (0101)	\$740,000
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SECTION 6.355. — To the Department of Natural Resources

Funds are to be transferred out of the State Treasury to Federal Funds for the Division of Energy

From Energy Federal Fund (0866)	\$200,000
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***SECTION 6.360.** — To the Department of Natural Resources

For Missouri State Parks

For State Parks operations, provided that five percent (5%) flexibility is allowed between funds and no flexibility is allowed between personal service and expense and equipment

Personal Service.....	\$120,275
Expense and Equipment.....	<u>31,306</u>
From Department of Natural Resources Federal Fund (0140)	151,581

Personal Service.....	1,274,107
Expense and Equipment.....	<u>3,330,407</u>
From State Park Earnings Fund (0415)	4,604,514

Personal Service.....	972,440
Expense and Equipment.....	<u>68,159</u>
From DNR Cost Allocation Fund (0500).....	1,040,599

Personal Service.....	22,144,864
Expense and Equipment.....	<u>10,685,751</u>
From Parks Sales Tax Fund (0613).....	32,830,615

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Personal Service.....	59,606
Expense and Equipment.....	<u>75,000</u>
From Doctor Edmund A. Babler Memorial State Park Fund (0911).....	134,606
Expense and Equipment	
From Meramec-Onondaga State Parks Fund (0698).....	85,000
For state park support activities and grants and/or loans for recreational purposes, provided that \$17,800,000 be used solely to encumber funds for future fiscal year expenditures	
From Department of Natural Resources Federal Fund (0140)	26,050,000
Levy District Payments	15,000
Payment in Lieu of Taxes	30,000
Bruce R. Watkins Center Expense and Equipment.....	<u>100,000</u>
From Parks Sales Tax Fund (0613).....	145,000
Parks Concession Personal Service	55,824
Parks Concession Expense and Equipment.....	199,350
Gifts to Parks Expense and Equipment.....	750,000
Parks Resale Expense and Equipment	1,100,000
State Park Grants Expense and Equipment.....	<u>450,000</u>
From State Park Earnings Fund (0415)	<u>2,555,174</u>
Total (Not to exceed 660.21 F.T.E.)	\$67,597,089

*I hereby veto \$14,568 Parks Sales Tax Fund for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

For State Parks operations.

Expense and Equipment by \$14,568 from \$10,685,751 to \$10,671,183 from Parks Sales Tax Fund.

From \$32,830,615 to \$32,816,047 in total from Parks Sales Tax Fund.

From \$67,597,089 to \$67,582,521 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 6.365. — To the Department of Natural Resources

For Historic Preservation Operations, provided that twenty-five percent (25%)

flexibility is allowed between funds and no flexibility is allowed between

personal service and expense and equipment

Personal Service..... \$426,831

Expense and Equipment..... 50,026

From Department of Natural Resources Federal Fund (0140)

Personal Service..... 212,448

Expense and Equipment..... 31,314

From Historic Preservation Revolving Fund (0430)

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Personal Service.....	107,881
Expense and Equipment.....	<u>10,853</u>
From Economic Development Advancement Fund (0783).....	118,734

For historic preservation grants and contracts, provided that twenty-five percent (25%) flexibility is allowed between funds

From Department of Natural Resources Federal Fund (0140)	600,000
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From Historic Preservation Revolving Fund (0430)	<u>1,317,243</u>
Total (Not to exceed 17.25 F.T.E.)	<u>\$2,756,596</u>

SECTION 6.370. — To the Department of Natural Resources

Funds are to be transferred out of the State Treasury to the Historic Preservation Revolving Fund, provided that three percent (3%) flexibility is allowed from this section to Section 6.415

From General Revenue Fund (0101)	\$155,739
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SECTION 6.375. — To the Department of Natural Resources

For expenditures of payments received for damages to the state's natural resources, provided that twenty-five percent (25%) flexibility is allowed between funds

Expense and Equipment

From Natural Resources Protection Fund (0555)	\$4,300,000
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From Natural Resources Protection Fund - Water Pollution Permit Fee

Subaccount (0568)	<u>100,000</u>
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Total.....	<u>\$4,400,000</u>
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SECTION 6.380. — To the Department of Natural Resources

Expense and Equipment

From Department of Natural Resources Revolving Services Fund (0425)	\$2,421,745
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SECTION 6.385. — To the Department of Natural Resources

For refunds, provided that seventy-five percent (75%) flexibility is allowed between funds

From Department of Natural Resources Federal Fund (0140)	\$9,445
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From Missouri Air Emission Reduction Fund (0267).....	16,038
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From State Park Earnings Fund (0415)	84,946
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From Department of Natural Resources Revolving Services Fund (0425)	1,419
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From Historic Preservation Revolving Fund (0430)	165
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From DNR Cost Allocation Fund (0500).....	3,478
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From Oil and Gas Resources Fund (0543).....	100
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From Natural Resources Protection Fund - Water Pollution Permit Fee

Subaccount (0568)	46,982
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From Solid Waste Management Fund - Scrap Tire Subaccount (0569)	1,165
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From Solid Waste Management Fund (0570).....	1,165
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From Metallic Minerals Waste Management Fund (0575).....	165
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EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

From Natural Resources Protection Fund - Air Pollution Asbestos Fee	
Subaccount (0584).....	9,930
From Underground Storage Tank Regulation Program Fund (0586).....	4,965
From Natural Resources Protection Fund - Air Pollution Permit Fee	
Subaccount (0594).....	62,082
From Water and Wastewater Loan Revolving Fund (0602).....	10,498
From Parks Sales Tax Fund (0613).....	25,723
From Soil and Water Sales Tax Fund (0614).....	329
From Water and Wastewater Loan Fund (0649).....	165
From Environmental Radiation Monitoring Fund (0656).....	250
From Groundwater Protection Fund (0660).....	3,165
From Energy Set-Aside Program Fund (0667).....	2,039
From Hazardous Waste Fund (0676).....	59,688
From Safe Drinking Water Fund (0679).....	14,726
From Abandoned Mine Reclamation Fund (0697).....	165
From Oil and Gas Remedial Fund (0699).....	650
From Biodiesel Fuel Revolving Fund (0730).....	165
From Storm Water Loan Revolving Fund (0754).....	200
From Rural Water and Sewer Loan Revolving Fund (0755).....	165
From Geologic Resources Fund (0801).....	4,400
From Confederate Memorial Park Fund (0812).....	165
From Concentrated Animal Feeding Operation Indemnity Fund (0834).....	450
From Mined Land Reclamation Fund (0906).....	10,095
From Doctor Edmund A. Babler Memorial State Park Fund (0911).....	417
From Energy Futures Fund (0935).....	4,500
Total.....	\$380,000

SECTION 6.390. — To the Department of Natural Resources

For sales tax on retail sales, provided that seventy-five percent (75%) flexibility is allowed between funds

From State Park Earnings Fund (0415).....	\$30,000
From Department of Natural Resources Revolving Services Fund (0425).....	2,000
Total.....	\$32,000

SECTION 6.395. — To the Department of Natural Resources

Funds are to be transferred out of the State Treasury, to the DNR Cost Allocation Fund for real property leases, related services, utilities, systems furniture, structural modifications, capital improvements and related expenses, and for the purpose of funding the consolidation of Information Technology Services, provided that five percent (5%) flexibility is allowed between DNR Cost Allocation transfer, Cost Allocation HB 2013 transfer, and Cost Allocation Information Technology Services Division transfer

For Cost Allocation Transfer, provided that five percent (5%) flexibility is allowed between funds

From Missouri Air Emission Reduction Fund (0267).....	\$249,359
From State Park Earnings Fund (0415).....	423,575

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
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From Historic Preservation Revolving Fund (0430)	28,302
From Natural Resources Protection Fund (0555)	41,477
From Natural Resources Protection Fund - Water Pollution Permit Fee	
Subaccount (0568)	1,127,078
From Solid Waste Management Fund - Scrap Tire Subaccount (0569)	123,486
From Solid Waste Management Fund (0570)	545,063
From Metallic Minerals Waste Management Fund (0575)	9,012
From Natural Resources Protection Fund - Air Pollution Asbestos Fee	
Subaccount (0584)	73,210
From Petroleum Storage Tank Insurance Fund (0585)	182,845
From Underground Storage Tank Regulation Program Fund (0586)	30,275
From Natural Resources Protection Fund - Air Pollution Permit Fee	
Subaccount (0594)	917,616
From Parks Sales Tax Fund (0613)	3,502,184
From Soil and Water Sales Tax Fund (0614)	370,330
From Water and Wastewater Loan Fund (0649)	186,339
From Environmental Radiation Monitoring Fund (0656)	7,889
From Groundwater Protection Fund (0660)	89,807
From Energy Set-Aside Program Fund (0667)	71,182
From Hazardous Waste Fund (0676)	504,432
From Safe Drinking Water Fund (0679)	608,154
From Biodiesel Fuel Revolving Fund (0730)	1
From Geologic Resources Fund (0801)	19,483
From Mined Land Reclamation Fund (0906)	73,926
From Energy Futures Fund (0935)	43,739
Total DNR Cost Allocation Transfer	9,228,764

For Cost Allocation HB 2013 Transfer, provided that twenty-five percent (25%) flexibility is allowed between funds

From Missouri Air Emission Reduction Fund (0267)	5,412
From State Park Earnings Fund (0415)	8,121
From Historic Preservation Revolving Fund (0430)	543
From Natural Resources Protection Fund (0555)	900
From Natural Resources Protection Fund - Water Pollution Permit Fee	
Subaccount (0568)	24,431
From Solid Waste Management Fund - Scrap Tire Subaccount (0569)	2,679
From Solid Waste Management Fund (0570)	11,572
From Metallic Minerals Waste Management Fund (0575)	83
From Natural Resources Protection Fund - Air Pollution Asbestos Fee	
Subaccount (0584)	1,589
From Petroleum Storage Tank Insurance Fund (0585)	3,826
From Underground Storage Tank Regulation Program Fund (0586)	656
From Natural Resources Protection Fund - Air Pollution Permit Fee	
Subaccount (0594)	19,918
From Parks Sales Tax Fund (0613)	67,151
From Soil and Water Sales Tax Fund (0614)	8,039

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

From Environmental Radiation Monitoring Fund (0656).....	171
From Groundwater Protection Fund (0660).....	830
From Water and Wastewater Loan Fund (0649)	4,045
From Energy Set-Aside Program Fund (0667).....	751
From Hazardous Waste Fund (0676).....	10,620
From Safe Drinking Water Fund (0679)	13,201
From Geologic Resources Fund (0801).....	180
From Mined Land Reclamation Fund (0906)	683
From Energy Futures Fund (0935).....	462
Total Cost Allocation HB 2013 Transfer.....	185,863

For Cost Allocation Information Technology Services Division Transfer,
provided that five percent (5%) flexibility is allowed between funds

From Missouri Air Emission Reduction Fund (0267).....	166,351
From State Park Earnings Fund (0415)	193,995
From Historic Preservation Revolving Fund (0430)	12,962
From Natural Resources Protection Fund (0555)	27,670
From Natural Resources Protection Fund - Water Pollution Permit Fee Subaccount (0568).....	754,754
From Solid Waste Management Fund - Scrap Tire Subaccount (0569).....	82,377
From Solid Waste Management Fund (0570).....	385,797
From Metallic Minerals Waste Management Fund (0575).....	15,637
From Natural Resources Protection Fund - Air Pollution Asbestos Fee Subaccount (0584).....	48,838
From Petroleum Storage Tank Insurance Fund (0585)	135,399
From Underground Storage Tank Regulation Program Fund (0586)	20,197
From Natural Resources Protection Fund - Air Pollution Permit Fee Subaccount (0594).....	612,147
From Parks Sales Tax Fund (0613).....	1,603,985
From Soil and Water Sales Tax Fund (0614).....	510,846
From Water and Wastewater Loan Fund (0649)	124,309
From Environmental Radiation Monitoring Fund (0656).....	5,263
From Energy Set-Aside Program Fund (0667).....	56,971
From Hazardous Waste Fund (0676).....	364,677
From Safe Drinking Water Fund (0679)	405,703
From Geologic Resources Fund (0801).....	33,809
From Energy Futures Fund (0935).....	35,006
Total Cost Allocation Information Technology Services Division Transfer.....	5,596,693
Total.....	\$15,011,320

SECTION 6.400. — To the Department of Natural Resources

Funds are to be transferred out of the State Treasury to the OA Information
Technology - Federal and Other Fund for the purpose of funding the
consolidation of Information Technology Services

From Department of Natural Resources Federal Fund (0140)	\$2,693,271
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EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 6.405. — To the Department of Natural Resources

For the State Environmental Improvement and Energy Resources Authority

For all costs incurred in the operation of the authority, including special studies

Personal Service.....\$521,173

Expense and Equipment..... 951,000

From State Environmental Improvement Authority Fund (0654) (Not to

exceed 8.00 F.T.E.)\$1,472,173

SECTION 6.410. — To the Department of Natural Resources

For the Board of Trustees for the Petroleum Storage Tank Insurance Fund

For the general administration and operation of the fund, provided that five percent (5%) flexibility is allowed between personal service and expense and equipment

Personal Service.....\$261,764

Expense and Equipment..... 2,095,354

From Petroleum Storage Tank Insurance Fund (0585).....2,357,118

For investigating and paying claims obligations of the Petroleum Storage Tank

Insurance Fund

From Petroleum Storage Tank Insurance Fund (0585) 20,000,000

For refunds of erroneously collected receipts

From Petroleum Storage Tank Insurance Fund (0585)..... 70,000

Total (Not to exceed 4.00 F.T.E.)\$22,427,118

SECTION 6.415. — To the Department of Natural Resources

Funds are to be transferred out of the State Treasury to the State Legal

Expense Fund for payment of claims, premiums, and expense as provided by Section 105.711 through 105.726, RSMo

From General Revenue Fund (0101)\$1

***SECTION 6.600.** — To the Department of Conservation

For Habitat Management, provided that ten percent (10%) flexibility is allowed between personal service and expense and equipment and ten percent (10%) flexibility is allowed between Sections 6.600, 6.605, 6.610, 6.615, 6.620, and 6.625, and further provided none of these funds be expended for vehicle checkpoints, and/or the Conservation Federation of Missouri

Personal Service.....\$15,442,619

Expense and Equipment..... 14,120,832

For corn, cameras, and traps to further the eradication of feral hogs, provided that no funds be expended for federal employees who are not directly trapping feral hogs

Expense and Equipment..... 250,000

From Conservation Commission Fund (0609) (Not to exceed 398.57 F.T.E.)\$29,813,451

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

*I hereby veto \$211 Conservation Commission Fund for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$211 from \$14,120,832 to \$14,120,621 from Conservation Commission Fund.

From \$29,813,451 to \$29,813,240 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 6.605.** — To the Department of Conservation

For Fish and Wildlife Management, provided that ten percent (10%) flexibility is allowed between personal service and expense and equipment and ten percent (10%) flexibility is allowed between Sections 6.600, 6.605, 6.610, 6.615, 6.620, and 6.625, and further provided none of these funds be expended for vehicle checkpoints, and/or the Conservation Federation of Missouri

Personal Service.....	\$22,031,278
Expense and Equipment.....	<u>7,049,626</u>

From Conservation Commission Fund (0609) (Not to exceed 483.26 F.T.E.)	\$29,080,904
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*I hereby veto \$3,090 Conservation Commission Fund for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$3,090 from \$7,049,626 to \$7,046,536 from Conservation Commission Fund.

From \$29,080,904 to \$29,077,814 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 6.610.** — To the Department of Conservation

For Recreation Management, provided that ten percent (10%) flexibility is allowed between personal service and expense and equipment and ten percent (10%) flexibility is allowed between Sections 6.600, 6.605, 6.610, 6.615, 6.620, and 6.625, and further provided none of these funds be expended for vehicle checkpoints, and/or the Conservation Federation of Missouri

Personal Service.....	\$10,858,120
Expense and Equipment.....	<u>8,311,574</u>

From Conservation Commission Fund (0609) (Not to exceed 279.49 F.T.E.)	\$19,169,694
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*I hereby veto \$659 Conservation Commission Fund for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is

necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$659 from \$8,311,574 to \$8,310,915 from Conservation Commission Fund.

From \$19,169,694 to \$19,169,035 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 6.615.** — To the Department of Conservation

For Education and Communication, provided that ten percent (10%) flexibility is allowed between personal service and expense and equipment and ten percent (10%) flexibility is allowed between Sections 6.600, 6.605, 6.610, 6.615, 6.620, and 6.625, and further provided none of these funds be expended for vehicle checkpoints, and/or the Conservation Federation of Missouri

Personal Service.....\$8,818,032

Expense and Equipment.....7,636,546

From Conservation Commission Fund (0609) (Not to exceed 222.15 F.T.E.)\$16,454,578

*I hereby veto \$1,297 Conservation Commission Fund for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$1,297 from \$7,636,546 to \$7,635,249 from Conservation Commission Fund.

From \$16,454,578 to \$16,453,281 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 6.620.** — To the Department of Conservation

For Conservation Business Services, provided that ten percent (10%) flexibility is allowed between personal service and expense and equipment and ten percent (10%) flexibility is allowed between Sections 6.600, 6.605, 6.610, 6.615, 6.620, and 6.625, and further provided none of these funds be expended for vehicle checkpoints, and/or the Conservation Federation of Missouri

Personal Service.....\$16,477,587

Expense and Equipment.....38,229,795

From Conservation Commission Fund (0609) (Not to exceed 335.86 F.T.E.)\$54,707,382

*I hereby veto \$3,383 Conservation Commission Fund for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Expense and Equipment by \$3,383 from \$38,229,795 to \$38,226,412 from Conservation Commission Fund.

From \$54,707,382 to \$54,703,999 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 6.625.** — To the Department of Conservation

For Staff Development and Benefits, provided that ten percent (10%) flexibility is allowed between personal service and expense and equipment and ten percent (10%) flexibility is allowed between Sections 6.600, 6.605, 6.610, 6.615, 6.620, and 6.625, and further provided none of these funds be expended for vehicle checkpoints, and/or the Conservation Federation of Missouri

Personal Service.....	\$15,761,703
Expense and Equipment.....	<u>2,033,021</u>

From Conservation Commission Fund (0609) (Not to exceed 71.48 F.T.E.)\$17,794,724

*I hereby veto \$1,783 Conservation Commission Fund for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$1,783 from \$2,033,021 to \$2,031,238 from Conservation Commission Fund.

From \$17,794,724 to \$17,792,941 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 6.631. — To the Department of Conservation

For the Share the Harvest Program which shall include utilizing meat from
dispatched feral hogs

From Conservation Commission Fund (0609)\$300,000

SECTION 6.632. — To the Department of Conservation

For the Conservation Federation of Missouri

From Conservation Commission Fund (0609)\$1

SECTION 6.633. — To the Department of Conservation

For the Operation Game Thief Program

From Conservation Commission Fund (0609)\$9,000

SECTION 6.641. — To the Department of Conservation

For vehicle checkpoints where motorists may be detained without individualized
reasonable suspicion and related administrative expenses

From Conservation Commission Fund (0609)\$1

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 6.650. — To the Department of Conservation

For black vulture control mechanisms, provided that no funds be expended for federal employees who are not directly trapping feral hogs

Program Distributions

From Conservation Commission Fund (0609) \$250,000

PART 2**SECTION 6.700.** — To the Department of Natural Resources

In reference to Section 6.200 through and including Section 6.415 of Part 1 of this act:

No funds shall be expended on land purchases for which the Department of Natural Resources did not provide notice to the General Assembly, in writing, at least sixty (60) days prior to the purchase.

SECTION 6.705. — To the Department of Natural Resources

In reference to Section 6.200 through and including Section 6.415 of Part 1 of this act:

No funds shall be spent to implement or enforce any portion of the rule proposed by the United States Army Corps of Engineers and the United States Environmental Protection Agency on June 29, 2015, 80 Federal Register 37054, known as the 2015 "WOTUS" rule, that purported to revise the regulatory definition of "waters of the United States" or "navigable waters" under the federal Clean Water Act, as amended, 33 U.S.C. Section 1251, et seq., without the approval of the General Assembly.

SECTION 6.710. — To the Department of Natural Resources

In reference to Section 6.200 through and including Section 6.415 of Part 1 of this act:

No funds shall be spent to implement or enforce any portion of the federal Environmental Protection Agency's "Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units," 80 Fed. Reg. 64,662 (October 23, 2015).

SECTION 6.715. — To the Department of Conservation

In reference to Section 6.600 through and including Section 6.650 of Part 1 of this act:

No funds shall be expended on the development, maintenance, use, transmission, or storage of any landowner registry for which any data are collected incident to a landowner request for a hunting permit.

Department of Agriculture Totals

General Revenue Fund.....	\$5,552,493
Federal Funds.....	26,218,065
Other Funds.....	<u>27,308,572</u>
Total.....	\$59,079,130

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Department of Natural Resources Totals

General Revenue Fund.....	\$23,750,028
Federal Funds.....	79,522,959
Other Funds.....	<u>523,377,894</u>
Total.....	\$626,650,881

Department of Conservation Totals

Total - Other Funds	\$167,579,735
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Approved June 30, 2020

CCS SCS HS HCS HB 2007

Appropriates money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Commerce and Insurance, and Department of Labor and Industrial Relations

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Commerce and Insurance, Department of Labor and Industrial Relations and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2020 and ending June 30, 2021.

Be it enacted by the General Assembly of the state of Missouri, as follows:

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2020 and ending June 30, 2021, as follows:

***SECTION 7.005. — To the Department of Economic Development**

For the Regional Engagement Division, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.150

Personal Service.....	\$788,909
Expense and Equipment.....	<u>337,934</u>
From General Revenue Fund (0101)	1,126,843

Personal Service	
From Department of Economic Development - Community Development	
Block Grant (Administration) Fund (0123).....	52,098

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Personal Service.....	396,436
Expense and Equipment.....	<u>58,558</u>
From Job Development and Training Fund (0155).....	454,994

Personal Service	
From Department of Economic Development Administrative Fund (0547).....	42,607

For regional engagement and minority participation and inclusion efforts

Personal Service	
From General Revenue Fund (0101)	74,638

For business recruitment and marketing

From Economic Development Advancement Fund (0783).....	<u>3,000,000</u>
Total (Not to exceed 26.06 F.T.E.)	\$4,751,180

*I hereby veto \$762 general revenue for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$762 from \$337,934 to \$337,172 from General Revenue Fund.

From \$1,126,843 to \$1,126,081 in total from General Revenue Fund.

From \$4,751,180 to \$4,750,418 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 7.010. — To the Department of Economic Development

For receiving and expending grants, donations, contracts, and payments from private, federal, and other governmental agencies which may become available between sessions of the General Assembly provided the General Assembly shall be notified of the source of any new funds and the purpose for which they shall be expended, in writing, prior to the use of said funds

From Department of Economic Development - Federal Fund (0129)	\$1,000,000
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***SECTION 7.015.** — To the Department of Economic Development

For the Business and Community Solutions Division, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.150

Personal Service.....	\$1,462,317
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Expense and Equipment.....	<u>693,131</u>
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From General Revenue Fund (0101)	2,155,448
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Personal Service.....	979,149
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Expense and Equipment.....	<u>251,400</u>
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From Department of Economic Development - Community Development

Block Grant (Administration) Fund (0123)	1,230,549
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EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Personal Service	
From Department of Economic Development Administrative Fund (0547).....	291,828
Expense and Equipment	
From International Promotions Revolving Fund (0567).....	1,402,238
Personal Service.....	46,404
Expense and Equipment.....	3,890
From State Supplemental Downtown Development Fund (0766).....	50,294
Expense and Equipment	
From Economic Development Advancement Fund (0783).....	355,000
For refunding any overpayment or erroneous payment of any amount that is credited to the Economic Development Advancement Fund	
From Economic Development Advancement Fund (0783).....	10,000
For International Trade and Investment Offices	
From Economic Development Advancement Fund (0783).....	1,500,000
Total (Not to exceed 50.00 F.T.E.)	\$6,995,357

*I hereby veto \$1,149 Department of Economic Development – Community Development Block Grant (Administration) Fund for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$1,149 from \$251,400 to \$250,251 from Department of Economic Development – Community Development Block Grant (Administration) Fund.
From \$1,230,549 to \$1,229,400 in total from Department of Economic Development – Community Development Block Grant (Administration) Fund.
From \$6,995,357 to \$6,994,208 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 7.020. — To the Department of Economic Development
Funds are to be transferred out of the State Treasury to the Missouri Technology Investment Fund
From General Revenue Fund (0101) \$1,000,000

SECTION 7.025. — To the Department of Economic Development
For the Missouri Technology Corporation, provided that all funds appropriated
to the Missouri Technology Corporation by the General Assembly shall be
subject to the provisions of Section 196.1127, RSMo
For administration and for science and technology development, including but
not limited to, innovation centers and the Missouri Manufacturing Extension
Partnership
From Missouri Technology Investment Fund (0172) \$5,500,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 7.030. — To the Department of Economic Development

For the Business and Community Solutions Division

For the Community Development Block Grant Program

For projects awarded before July 1, 2020

Expense and Equipment.....\$70,000,000

For projects awarded on or after July 1, 2020, provided that no funds shall be
expended at higher education institutions not headquartered in Missouri for
purposes of accreditation

Expense and Equipment..... 35,000,000

From Department of Economic Development - Community Development

Block Grant (Pass-through) Fund (0118) 105,000,000

For projects to support local community development activities

Expense and Equipment

From Department of Economic Development Federal Stimulus Fund (2360) 20,000,000

Total.....\$125,000,000

SECTION 7.031. — To the Department of Economic Development

For a program to provide grants to small businesses incorporated in the state of
Missouri with 50 or fewer employees, to reimburse the costs of business
interruption caused by required closures in connection with the COVID-19
public health emergency, provided that no grants shall be provided to
franchise or chain business entities, and further provided that one-quarter of
funds under such program shall be allocated to family-owned farms

From Department of Economic Development Federal Stimulus Fund (2360)\$30,000,000

SECTION 7.035. — To the Department of Economic Development

For the Business and Community Solutions Division

For the Missouri Main Street Program

From Economic Development Advancement Fund (0783).....\$300,000

SECTION 7.036. — To the Department of Economic Development

For a regional vitality pilot initiative

From General Revenue Fund (0101)\$1

SECTION 7.040. — To the Department of Economic Development

Funds are to be transferred out of the State Treasury to the Missouri
Supplemental Tax Increment Financing Fund, provided that not more than
three percent (3%) flexibility is allowed from this section to Section 7.150

From General Revenue Fund (0101)\$31,844,958

SECTION 7.045. — To the Department of Economic Development

For Missouri supplemental tax increment financing as provided in Section
99.845, RSMo. This appropriation may be used for the following projects:

Kansas City Midtown, Independence Santa Fe Trail Neighborhood, St.

Louis City Convention Hotel, Springfield Jordan Valley Park, Kansas City

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Bannister Mall/Three Trails Office, St. Louis Lambert Airport Eastern Perimeter, Old Post Office in Kansas City, 1200 Main Garage Project in Kansas City, Riverside Levee, Branson Landing, Eastern Jackson County Bass Pro, Kansas City East Village Project, St. Louis Innovation District, National Geospatial Agency West, Fenton Logistics Park, and IDEA Commons. The presence of a project in this list is not an indication said project is nor shall be approved for tax increment financing. A listed project must have completed the application process and a certificate of approval must have been issued pursuant to Section 99.845 (10), RSMo, before a project may be disbursed funds subject to the appropriation	
From Missouri Supplemental Tax Increment Financing Fund (0848).....	\$31,844,958
SECTION 7.050. — To the Department of Economic Development	
Funds are to be transferred out of the State Treasury, such amounts generated by development projects, as required by Section 99.963, RSMo, to the State Supplemental Downtown Development Fund, provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.150	
From General Revenue Fund (0101)	\$1,661,327
SECTION 7.055. — To the Department of Economic Development	
For the Missouri Downtown Economic Stimulus Act as provided in Sections 99.915 to 99.980, RSMo	
From State Supplemental Downtown Development Fund (0766)	\$1,614,885
SECTION 7.060. — To the Department of Economic Development	
Funds are to be transferred out of the State Treasury, such amounts generated by redevelopment projects, as required by Section 99.1092, RSMo, to the Downtown Revitalization Preservation Fund, provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.150	
From General Revenue Fund (0101)	\$250,000
SECTION 7.065. — To the Department of Economic Development	
For the Downtown Revitalization Preservation Program as provided in Sections 99.1080 to 99.1092, RSMo	
From Downtown Revitalization Preservation Fund (0907)	\$250,000
SECTION 7.070. — To the Department of Economic Development	
For the Business and Community Solutions Division	
For the Missouri Community Service Commission	
Personal Service	\$225,003
Expense and Equipment	<u>6,921,805</u>
From Community Service Commission Fund (0197) (Not to exceed 5.00 F.T.E.)	\$7,146,808
*SECTION 7.075. — To the Department of Economic Development	
For the Missouri One Start Division, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and	

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

equipment, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.150

Personal Service

From General Revenue Fund (0101) \$41,456

Personal Service..... 471,067

Expense and Equipment..... 82,777

From Missouri One Start Job Development Fund (0600)..... 553,844

Total (Not to exceed 9.00 F.T.E.)..... \$595,300

*I hereby veto \$1,388 Missouri One Start Job Development Fund for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$1,388 from \$82,777 to \$81,389 from Missouri One Start Job Development Fund.

From \$553,844 to \$552,456 in total from Missouri One Start Job Development Fund.

From \$595,300 to \$593,912 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 7.080. — To the Department of Economic Development

Funds are to be transferred out of the State Treasury to the Missouri One Start Job Development Fund, provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.150

From General Revenue Fund (0101) \$6,016,285

SECTION 7.085. — To the Department of Economic Development

For new and expanding industry training programs and basic industry retraining programs

From Missouri One Start Job Development Fund (0600)..... \$8,693,406

SECTION 7.090. — To the Department of Economic Development

For the Missouri One Start Community College New Jobs Training Program

For training of workers by community college districts

From Missouri One Start Community College New Jobs Training Fund (0563)..... \$16,000,000

SECTION 7.095. — To the Department of Economic Development

For the Missouri One Start Community College Job Retention Training Program

From Missouri One Start Community College Job Retention Training Fund (0717)..... \$11,000,000

SECTION 7.100. — To the Department of Economic Development

For the Strategy and Performance Division, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

and equipment, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.150	
Personal Service.....	\$795,329
Expense and Equipment.....	205,779
From General Revenue Fund (0101).....	1,001,108
Personal Service.....	67,379
Expense and Equipment.....	12,765
From Job Development and Training Fund (0155).....	80,144
Personal Service	
From Department of Economic Development Administrative Fund (0547).....	179,889
Total (Not to exceed 16.41 F.T.E.)	\$1,261,141

SECTION 7.110. — To the Department of Economic Development

For the response to, and analysis of, the impact of Missouri's military bases on the nation's military readiness and the state's economy and advocacy of the continued presence and expansion of military installations in the state, provided that not more than five percent (5%) flexibility is allowed between personal service and expense and equipment, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.150

Personal Service.....	\$168,404
Expense and Equipment.....	440,120
From General Revenue Fund (0101) (Not to exceed 1.50 F.T.E.)	\$608,524

SECTION 7.115. — To the Department of Economic Development

For the Missouri Military Community Reinvestment Program, provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.150

From General Revenue Fund (0101)	\$110,698
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SECTION 7.120. — To the Department of Economic Development

Funds are to be transferred out of the State Treasury to the Division of Tourism Supplemental Revenue Fund, provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.150

From General Revenue Fund (0101)	\$18,564,202
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SECTION 7.125. — To the Department of Economic Development

For the Division of Tourism to include coordination of advertising of at least \$70,000 for the Missouri State Fair, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment

Personal Service.....	\$1,740,421
Expense and Equipment.....	16,039,900
From Division of Tourism Supplemental Revenue Fund (0274).....	17,780,321

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For the Missouri Film Office Expense and Equipment From Division of Tourism Supplemental Revenue Fund (0274)	200,115
For a redevelopment authority to support the history and art form of American Jazz located within a home rule city with more than four hundred thousand inhabitants and located in more than one county From Division of Tourism Supplemental Revenue Fund (0274)	100,000
For a museum, located within a home rule city with more than 400,000 inhabitants and located in more than one county, with archives which highlight African-American cultural contributions and history in Missouri From Division of Tourism Supplemental Revenue Fund (0274)	75,000
For the celebration of Missouri's Bicentennial From Division of Tourism Supplemental Revenue Fund (0274)	350,000
Expense and Equipment From Tourism Marketing Fund (0650)	24,500
Total (Not to exceed 37.50 F.T.E.)	\$18,529,936

SECTION 7.130. — To the Department of Economic Development
For the Meet in Missouri Act, as provided in Section 620.1620, RSMo
From Major Economic Convention Event in Missouri Fund (0593) \$500,000

SECTION 7.135. — To the Department of Economic Development
For the Missouri Housing Development Commission
For general administration of affordable housing activities
For funding housing subsidy grants or loans
From Missouri Housing Trust Fund (0254) \$4,450,000

SECTION 7.140. — To the Department of Economic Development
For the Administrative Services Division, provided that not more than ten
percent (10%) flexibility is allowed between personal service and expense
and equipment, and further provided that not more than three percent (3%)
flexibility is allowed from this section to Section 7.150
Personal Service..... \$838,366
Annual salary adjustment in accordance with Section 105.005, RSMo..... 1,127
Expense and Equipment..... 97,719
From General Revenue Fund (0101) 937,212

Personal Service..... 51,128
Expense and Equipment..... 1,777
From Department of Economic Development - Community Development
Block Grant (Administration) Fund (0123) 52,905

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Personal Service.....	287,173
Annual salary adjustment in accordance with Section 105.005, RSMo.....	938
Expense and Equipment.....	190,722
For refunds	12,000
From Department of Economic Development Administrative Fund (0547).....	490,833
Total (Not to exceed 15.54 F.T.E.)	\$1,480,950

SECTION 7.145. — To the Department of Economic Development

Funds are to be transferred out of the State Treasury, for payment of administrative costs, to the Department of Economic Development Administrative Fund

From Division of Tourism Supplemental Revenue Fund (0274).....	\$162,974
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SECTION 7.150. — To the Department of Economic Development

Funds are to be transferred out of the State Treasury, for the payment of claims, premiums, and expenses as provided by Section 105.711 through 105.726, RSMo, to the State Legal Expense Fund

From General Revenue Fund (0101)	\$1
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***SECTION 7.400.** — To the Department of Commerce and Insurance

For Administrative Services

Personal Service.....	\$136,754
Expense and Equipment.....	37,910
From DCI Administrative Fund (0503) (Not to exceed 2.07 F.T.E.).....	\$174,664

*I hereby veto \$42 DCI Administrative Fund for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$42 from \$37,910 to \$37,868 from DCI Administrative Fund.

From \$174,664 to \$174,622 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 7.405. — To the Department of Commerce and Insurance

Funds are to be transferred out of the State Treasury, for administrative services, to the DCI Administrative Fund, provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.560

From General Revenue Fund (0101)	\$10,000
From Division of Credit Unions Fund (0548).....	40,000
From Division of Finance Fund (0550).....	100,000
From Insurance Dedicated Fund (0566).....	40,264
From Manufactured Housing Fund (0582)	5,000
From Public Service Commission Fund (0607).....	100,000
From Professional Registration Fees Fund (0689)	200,000
Total.....	\$495,264

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

***SECTION 7.410.** — To the Department of Commerce and Insurance

For Insurance Operations

Personal Service.....	\$9,180,623
Expense and Equipment.....	1,921,904
For refunds	<u>75,000</u>
From Insurance Dedicated Fund (0566)	11,177,527

For consumer restitution payments

From Consumer Restitution Fund (0792).....	<u>5,000</u>
Total (Not to exceed 161.56 F.T.E.)	\$11,182,527

*I hereby veto \$2,247 Insurance Dedicated Fund for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$2,247 from \$1,921,904 to \$1,919,657 from Insurance Dedicated Fund.

From \$11,177,527 to \$11,175,280 in total from Insurance Dedicated Fund.

From \$11,182,527 to \$11,180,280 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 7.415.** — To the Department of Commerce and Insurance

For market conduct and financial examinations of insurance companies

Personal Service.....	\$3,586,482
Expense and Equipment.....	715,802
For refunds	<u>60,000</u>
From Insurance Examiners Fund (0552) (Not to exceed 43.30 F.T.E.).....	\$4,362,284

*I hereby veto \$4,177 Insurance Examiners Fund for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$4,177 from \$715,802 to \$711,625 from Insurance Examiners Fund.

From \$4,362,284 to \$4,358,107 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 7.420. — To the Department of Commerce and Insurance

For programs providing counseling on health insurance coverage and benefits to

Medicare beneficiaries

From Federal - Missouri Department of Insurance Fund (0192).....	\$1,400,000
From Insurance Dedicated Fund (0566).....	<u>200,000</u>
Total.....	\$1,600,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

***SECTION 7.425.** — To the Department of Commerce and Insurance

For the Division of Credit Unions

Personal Service.....	\$1,225,113
Expense and Equipment.....	152,065
From Division of Credit Unions Fund (0548) (Not to exceed 15.50 F.T.E.).....	\$1,377,178

*I hereby veto \$4,177 Insurance Examiners Fund for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$4,177 from \$715,802 to \$711,625 from Insurance Examiners Fund.
From \$4,362,284 to \$4,358,107 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 7.430.** — To the Department of Commerce and Insurance

For the Division of Finance

Personal Service.....	\$8,447,551
Expense and Equipment.....	789,486
For Conference of State Bank Supervisors dues.....	140,000
For Out-of-State Examinations.....	48,250
From Division of Finance Fund (0550) (Not to exceed 107.15 F.T.E.).....	\$9,425,287

*I hereby veto \$24,880 Division of Finance Fund for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$24,880 from \$789,486 to \$764,606 from Division of Finance Fund.
From \$9,425,287 to \$9,400,407 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 7.435. — To the Department of Commerce and Insurance

Funds are to be transferred out of the State Treasury, for the purpose of
supervising state chartered savings and loan associations, to the Division of
Finance Fund

From Division of Savings and Loan Supervision Fund (0549)..... \$50,000

SECTION 7.440. — To the Department of Commerce and Insurance

Funds are to be transferred out of the State Treasury, for the purpose of
administering the Residential Mortgage Licensing Law, to the Division of
Finance Fund

From Residential Mortgage Licensing Fund (0261) \$1,200,000

SECTION 7.445. — To the Department of Commerce and Insurance

Funds are to be transferred out of the State Treasury, in accordance with
Section 369.324, RSMo, to the General Revenue Fund

From Division of Savings and Loan Supervision Fund (0549)..... \$50,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

***SECTION 7.450.** — To the Department of Commerce and Insurance

For general administration of the Division of Professional Registration, provided that not more than five percent (5%) flexibility is allowed between personal service and expense and equipment

Personal Service.....	\$3,900,481
Expense and Equipment.....	1,070,838
For examination and other fees	102,000
For Real Estate Appraiser Committee Fees.....	900,000
For refunds	<u>125,000</u>
From Professional Registration Fees Fund (0689) (Not to exceed 90.00 F.T.E.)	\$6,098,319

*I hereby veto \$5,266 Professional Registration Fees Fund for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$5,266 from \$1,070,838 to \$1,065,572 from Professional Registration Fees Fund.

From \$6,098,319 to \$6,093,053 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 7.455.** — To the Department of Commerce and Insurance

For the State Board of Accountancy

Personal Service.....	\$316,400
Expense and Equipment.....	<u>248,625</u>
From State Board of Accountancy Fund (0627) (Not to exceed 7.00 F.T.E.)	\$565,025

*I hereby veto \$817 State Board of Accountancy Fund for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$817 from \$248,625 to \$247,808 from State Board of Accountancy Fund.

From \$565,025 to \$564,208 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 7.460.** — To the Department of Commerce and Insurance

For the State Board for Architects, Professional Engineers, Professional Land

Surveyors and Professional Landscape Architects	
Personal Service.....	\$387,319
Expense and Equipment.....	<u>303,395</u>
From State Board for Architects, Professional Engineers, Professional Land Surveyors and Professional Landscape Architects Fund (0678) (Not to exceed 9.00 F.T.E.)	\$690,714

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

*I hereby veto \$999 State Board of Architects, Professional Engineers, Professional Land Surveyors and Professional Landscape Architects Fund for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$999 from \$303,395 to \$302,396 from State Board of Architects, Professional Engineers, Professional Land Surveyors and Professional Landscape Architects Fund.

From \$690,714 to \$689,715 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 7.465.** — To the Department of Commerce and Insurance

For the State Board of Chiropractic Examiners

Expense and Equipment

From State Board of Chiropractic Examiners Fund (0630) \$132,146

*I hereby veto \$163 State Board of Chiropractic Examiners Fund for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$163 from \$132,146 to \$131,983 from State Board of Chiropractic Examiners Fund.

From \$132,146 to \$131,983 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 7.470.** — To the Department of Commerce and Insurance

For the State Board of Cosmetology and Barber Examiners

Expense and Equipment..... \$315,334

For criminal history checks..... 1,000

From Board of Cosmetology and Barber Examiners Fund (0785) \$316,334

*I hereby veto \$677 Board of Cosmetology and Barber Examiners Fund for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$677 from \$315,344 to \$314,657 from Board of Cosmetology and Barber Examiners Fund.

From \$316,334 to \$315,657 in total for the section.

MICHAEL L. PARSON
GOVERNOR

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

***SECTION 7.475.** — To the Department of Commerce and Insurance
For the Missouri Dental Board

Personal Service.....	\$379,020
Expense and Equipment.....	<u>238,361</u>
From Dental Board Fund (0677) (Not to exceed 7.50 F.T.E.).....	\$617,381

*I hereby veto \$443 Dental Board Fund for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$443 from \$238,361 to \$237,918 from Dental Board Fund.
From \$617,381 to \$616,938 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 7.480.** — To the Department of Commerce and Insurance
For the State Board of Embalmers and Funeral Directors

Expense and Equipment	
From Board of Embalmers and Funeral Directors Fund (0633).....	\$164,836

*I hereby veto \$318 Board of Embalmers and Funeral Directors Fund for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$318 from \$164,836 to \$164,518 from Board of Embalmers and Funeral Directors Fund.
From \$164,836 to \$164,518 in total for the section.

MICHAEL L. PARSON

Governor

***SECTION 7.485.** — To the Department of Commerce and Insurance
For the State Board of Registration for the Healing Arts

Personal Service.....	\$2,000,970
Expense and Equipment.....	<u>754,159</u>
From Board of Registration for the Healing Arts Fund (0634)	
(Not to exceed 44.00 F.T.E.).....	\$2,755,129

*I hereby veto \$522 Board of Registration for the Healing Arts Fund for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$522 from \$754,159 to \$753,637 from Board of Registration for the Healing Arts Fund.
From \$2,755,129 to \$2,754,607 in total for the section.

MICHAEL L. PARSON
GOVERNOR

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

***SECTION 7.490.** —To the Department of Commerce and Insurance

For the State Board of Nursing

Personal Service.....	\$1,339,829
Expense and Equipment.....	<u>578,512</u>
From State Board of Nursing Fund (0635).....	1,918,341

For competitive grants to eligible institutions of higher education based on a process and criteria jointly determined by the State Board of Nursing and the Department of Higher Education and Workforce Development. Grant award amounts shall not exceed one hundred fifty thousand dollars (\$150,000) and no campus shall receive more than one grant per year

From State Board of Nursing Fund (0635).....	<u>2,000,000</u>
Total (Not to exceed 28.00 F.T.E.)	\$3,918,341

*I hereby veto \$497 State Board of Nursing Fund for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$497 from \$578,512 to \$578,015 from State Board of Nursing Fund.
From \$1,918,341 to \$1,917,844 in total from State Board of Nursing Fund.
From \$3,918,341 to \$3,917,844 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 7.495.** — To the Department of Commerce and Insurance

For the State Board of Optometry

Expense and Equipment	
From Optometry Fund (0636).....	\$35,188

*I hereby veto \$231 Optometry Fund for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$231 from \$35,188 to \$34,957 from Optometry Fund.
From \$35,188 to \$34,957 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 7.500.** — To the Department of Commerce and Insurance

For the State Board of Pharmacy

Personal Service.....	\$1,239,241
Expense and Equipment.....	<u>1,419,530</u>
For criminal history checks.....	<u>5,000</u>
From Board of Pharmacy Fund (0637) (Not to exceed 16.00 F.T.E.)	\$2,663,771

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

*I hereby veto \$556 Board of Pharmacy Fund for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$556 from \$1,419,530 to \$1,418,974 from Board of Pharmacy Fund.
From \$2,663,771 to \$2,663,215 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 7.505.** — To the Department of Commerce and Insurance
For the State Board of Podiatric Medicine

Expense and Equipment
From State Board of Podiatric Medicine Fund (0629) \$13,760

*I hereby veto \$13 State Board of Podiatric Medicine Fund for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$13 from \$13,760 to \$13,747 from State Board of Podiatric Medicine Fund.
From 13,760 to \$13,747 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 7.510.** — To the Department of Commerce and Insurance
For the Missouri Real Estate Commission

Personal Service..... \$1,001,491
Expense and Equipment..... 277,651
From Real Estate Commission Fund (0638) (Not to exceed 25.00 F.T.E.)..... \$1,279,142

*I hereby veto \$491 Real Estate Commission Fund for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$491 from \$277,651 to \$277,160 from Real Estate Commission Fund.
From \$1,279,142 to \$1,278,651 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 7.515.** — To the Department of Commerce and Insurance
For the Missouri Veterinary Medical Board

Expense and Equipment..... \$58,659
For payment of fees for testing services 50,000
From Veterinary Medical Board Fund (0639) \$108,659

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

*I hereby veto \$342 Veterinary Medical Board Fund for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$342 from \$58,659 to \$58,317 from Veterinary Medical Board Fund. From \$108,659 to \$108,317 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 7.520. — To the Department of Commerce and Insurance

Funds are to be transferred out of the State Treasury, for administrative costs,
to the General Revenue Fund

From Professional Registration Board funds (Various)\$1,461,218

SECTION 7.525. — To the Department of Commerce and Insurance

Funds are to be transferred out of the State Treasury, for payment of
operating expenses, to the Professional Registration Fees Fund

From Professional Registration Board funds (Various)\$9,665,697

SECTION 7.530. — To the Department of Commerce and Insurance

Funds are to be transferred out of the State Treasury, for funding new
licensing activity pursuant to Section 324.016, RSMo, to the Professional
Registration Fees Fund

From any board funds (Various)\$200,000

SECTION 7.535. — To the Department of Commerce and Insurance

Funds are to be transferred out of the State Treasury, for the reimbursement
of funds loaned for new licensing activity pursuant to Section 324.016,
RSMo, to the appropriate board fund

From Professional Registration Fees Fund (0689)\$320,000

***SECTION 7.540.** — To the Department of Commerce and Insurance

For Manufactured Housing

Personal Service.....\$399,070

Expense and Equipment.....354,478

For Manufactured Housing programs.....20,000

For refunds10,000

From Manufactured Housing Fund (0582)783,548

For Manufactured Housing to pay consumer claims

From Manufactured Housing Consumer Recovery Fund (0909).....192,000

Total (Not to exceed 8.00 F.T.E.).....\$975,548

*I hereby veto \$6 Manufactured Housing Fund for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Expense and Equipment by \$6 from \$354,478 to \$354,472 from Manufactured Housing Fund.
 From \$783,548 to \$783,542 in total from Manufactured Housing Fund.
 From \$975,548 to \$975,542 in total for the section.

MICHAEL L. PARSON
 GOVERNOR

SECTION 7.545. — To the Department of Commerce and Insurance

Funds are to be transferred out of the State Treasury to the Manufactured
 Housing Consumer Recovery Fund
 From Manufactured Housing Fund (0582) \$192,000

***SECTION 7.550.** — To the Department of Commerce and Insurance

For the Office of the Public Counsel, provided that not more than ten percent
 (10%) flexibility is allowed between personal service and expense and
 equipment
 Personal Service..... \$939,551
 Expense and Equipment..... 94,639
 From General Revenue Fund (0101) (Not to exceed 16.00 F.T.E.) \$1,034,190

*I hereby veto \$224 general revenue for a \$.06 increase in the mileage reimbursement rate. This
 increase was not part of my budget recommendations. This veto is necessary to ensure a balanced
 budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$224 from \$94,639 to \$94,415 from General Revenue Fund.
 From \$1,034,190 to \$1,033,966 in total for the section.

MICHAEL L. PARSON
 GOVERNOR

***SECTION 7.555.** — To the Department of Commerce and Insurance

For the Public Service Commission
 For general administration of utility regulation activities, provided that not more
 than ten percent (10%) flexibility is allowed between personal service and
 expense and equipment
 Personal Service..... \$11,558,559
 Annual salary adjustment in accordance with Section 105.005,
 RSMo..... 8,239
 Expense and Equipment..... 2,287,016
 For refunds 10,000
 From Public Service Commission Fund (0607)..... 13,863,814

For the Deaf Relay Service and Equipment Distribution Program
 From Deaf Relay Service and Equipment Distribution Program Fund
 (0559)..... 2,495,860
 Total (Not to exceed 191.00 F.T.E.) \$16,359,674

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
 Matter in bold-face type is proposed language.

*I hereby veto \$2,014 other funds for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

For general administration of utility regulation activities.

Expense and Equipment by \$1,988 from \$2,287,016 to \$2,285,028 from Public Service Commission Fund.

From \$13,863,814 to \$13,861,826 in total from Public Service Commission Fund.

For the Deaf Relay Service and Equipment Distribution Program.

By \$26 from \$2,495,860 to \$2,495,834 from Deaf Relay Service and Equipment Distribution Program Fund.

From \$16,359,674 to \$16,357,660 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 7.560. — To the Department of Commerce and Insurance

Funds are to be transferred out of the State Treasury, for the payment of claims, premiums, and expenses as provided by Section 105.711 through 105.726, RSMo, to the State Legal Expense Fund

From General Revenue Fund (0101)\$1

***SECTION 7.800.** — To the Department of Labor and Industrial Relations

For the Director and Staff

Personal Service.....\$2,722,929

Annual salary adjustment in accordance with Section 105.005, RSMo..... 1,939

Expense and Equipment..... 1,387,887

From Department of Labor and Industrial Relations Administrative

Fund (0122).....4,112,755

Expense and Equipment

From Unemployment Compensation Administration Fund (0948) 1,010,000

Total (Not to exceed 47.65 F.T.E.)\$5,122,755

*I hereby veto \$223 Department of Labor and Industrial Relations Administrative Fund for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$223 from \$1,387,887 to \$1,387,664 from Department of Labor and Industrial Relations Administrative Fund.

From \$4,112,755 to \$4,112,532 in total from Department of Labor and Industrial Relations Administrative Fund.

From \$5,122,755 to \$5,122,532 in total for the section.

MICHAEL L. PARSON
GOVERNOR

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 7.805. — To the Department of Labor and Industrial Relations

Funds are to be transferred out of the State Treasury, for payment of administrative costs, to the Department of Labor and Industrial Relations Administrative Fund, provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.910

From General Revenue Fund (0101)	\$440,038
From Division of Labor Standards - Federal Fund (0186).....	73,296
From Unemployment Compensation Administration Fund (0948)	3,496,297
From Department of Labor and Industrial Relations Federal Stimulus Fund (2375).....	1,366,450
From Workers' Compensation Fund (0652).....	1,212,742
From Special Employment Security Fund (0949)	<u>163,000</u>
Total.....	\$6,751,823

SECTION 7.810. — To the Department of Labor and Industrial Relations

Funds are to be transferred out of the State Treasury, for payment of administrative costs charged by the Office of Administration, to the Department of Labor and Industrial Relations Administrative Fund, provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.910

From General Revenue Fund (0101)	\$164,265
From the Division of Labor Standards - Federal Fund (0186).....	42,815
From Unemployment Compensation Administration Fund (0948)	4,963,543
From Department of Labor and Industrial Relations Federal Stimulus Fund (2375).....	1,887,001
From Workers' Compensation Fund (0652).....	1,048,277
From Special Employment Security Fund (0949)	<u>85,804</u>
Total.....	\$8,191,705

***SECTION 7.815.** — To the Department of Labor and Industrial Relations

For the Labor and Industrial Relations Commission, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.910

Personal Service.....	\$16,450
Expense and Equipment.....	<u>1,038</u>
From General Revenue Fund (0101)	17,488
Personal Service.....	431,899
Annual salary adjustment in accordance with Section 105.005, RSMo.....	2,471
Expense and Equipment.....	<u>24,800</u>
From Unemployment Compensation Administration Fund (0948)	459,170
Personal Service.....	534,083
Annual salary adjustment in accordance with Section 105.005, RSMo.....	2,472
Expense and Equipment.....	<u>33,610</u>

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

From Workers' Compensation Fund (0652).....	570,165
Total (Not to exceed 13.59 F.T.E.)	\$1,046,823

*I hereby veto \$16 Workers' Compensation Fund for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$16 from \$33,610 to \$33,594 from Workers' Compensation Fund.
 From \$570,165 to \$570,149 in total from Workers' Compensation Fund.
 From \$1,046,823 to \$1,046,807 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 7.820.** — To the Department of Labor and Industrial Relations
 For the Division of Labor Standards

For Administration, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.910

Personal Service.....	\$53,861
Expense and Equipment.....	19,692
From General Revenue Fund (0101)	73,553

Personal Service.....	79,788
Expense and Equipment.....	43,000
From Division of Labor Standards - Federal Funds (0186)	122,788

Personal Service.....	79,788
Expense and Equipment.....	10,330
From Workers' Compensation Fund (0652).....	90,118

For the Child Labor Program, provided that not more than ten percent (10%) flexibility is allowed between the Child Labor Program, Prevailing Wage Program, and Minimum Wage Program, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.910

Personal Service	
From General Revenue Fund (0101)	48,753

Expense and Equipment	
From Child Labor Enforcement Fund (0826)	79,687

For the Prevailing Wage Program, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment, and provided that not more than ten percent (10%) flexibility is allowed between the Child Labor Program, Prevailing Wage Program, and

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
 Matter in bold-face type is proposed language.

Minimum Wage Program, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.910	
Personal Service.....	77,549
Expense and Equipment.....	751
From General Revenue Fund (0101)	78,300

For the Minimum Wage Program, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment, and provided that not more than ten percent (10%) flexibility is allowed between the Child Labor Program, Prevailing Wage Program, and Minimum Wage Program, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.910	
Personal Service.....	176,939
Expense and Equipment.....	17,473
From General Revenue Fund (0101)	194,412
Total (Not to exceed 12.22 F.T.E.)	\$687,611

*I hereby veto \$287, including \$143 general revenue, for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

For Administration.

Expense and Equipment by \$7 from \$19,692 to \$19,685 from General Revenue Fund.

From \$73,553 to \$73,546 in total from General Revenue Fund.

For the Child Labor Program.

Expense and Equipment by \$144 from \$79,687 to \$79,543 from Child Labor Enforcement Fund.

For the Minimum Wage Program.

Expense and Equipment by \$136 from \$17,473 to \$17,337 from General Revenue Fund.

From \$194,412 to \$194,276 in total from General Revenue Fund.

From \$687,611 to \$687,324 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 7.825.** — To the Department of Labor and Industrial Relations

For the Division of Labor Standards

For safety and health programs

Personal Service.....	\$753,687
Expense and Equipment.....	290,995
From Division of Labor Standards - Federal Funds (0186)	1,044,682

Personal Service.....	130,905
Expense and Equipment.....	39,542
From Workers' Compensation Fund (0652).....	170,447
Total (Not to exceed 17.00 F.T.E.)	\$1,215,129

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

*I hereby veto \$60 Division of Labor Standards – Federal Funds for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$60 from \$290,995 to \$290,935 from Division of Labor Standards – Federal Funds.

From \$1,044,682 to \$1,044,622 in total from Division of Labor Standards – Federal Funds.

From \$1,215,129 to \$1,215,069 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 7.830.** — To the Department of Labor and Industrial Relations

For the Division of Labor Standards

For the Mine and Cave Inspection Program provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.910

Personal Service.....	\$71,344
Expense and Equipment.....	6,083
From General Revenue Fund (0101)	77,427

For mine safety and health training programs

Personal Service.....	197,282
Expense and Equipment.....	147,223
From Division of Labor Standards - Federal Funds (0186)	344,505

Personal Service.....	109,055
Expense and Equipment.....	12,119
From Workers' Compensation Fund (0652).....	121,174

Personal Service.....	49,991
Expense and Equipment.....	18,000
From State Mine Inspection Fund (0973).....	67,991
Total (Not to exceed 7.50 F.T.E.).....	\$611,097

*I hereby veto \$84 Division of Labor Standards – Federal Funds for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$84 from \$147,223 to \$147,139 from Division of Labor Standards – Federal Funds.

From \$344,505 to \$344,421 in total from Division of Labor Standards – Federal Funds.

From \$611,097 to \$611,013 in total for the section.

MICHAEL L. PARSON
GOVERNOR

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

***SECTION 7.835.** — To the Department of Labor and Industrial Relations
For the State Board of Mediation provided that not more than ten percent (10%)
flexibility is allowed between personal service and expense and equipment,
and further provided that not more than three percent (3%) flexibility is
allowed from this section to Section 7.910

Personal Service.....	\$125,883
Expense and Equipment.....	<u>81,459</u>
From General Revenue Fund (0101) (Not to exceed 2.00 F.T.E.)	\$207,342

*I hereby veto \$19 general revenue for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$19 from \$81,459 to \$81,440 from General Revenue Fund.
From \$207,342 to \$207,323 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 7.840.** — To the Department of Labor and Industrial Relations
For the Division of Workers' Compensation
For the purpose of funding Administration
Expense and Equipment

From Tort Victims' Compensation Fund (0622).....	\$4,836
Personal Service.....	8,338,108
Expense and Equipment.....	<u>1,377,986</u>
From Workers' Compensation Fund (0652).....	<u>9,716,094</u>
Total (Not to exceed 143.25 F.T.E.)	\$9,720,930

*I hereby veto \$4,165 Workers' Compensation Fund for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$4,165 from \$1,377,986 to \$1,373,821 from Workers' Compensation Fund.

From \$9,716,094 to \$9,711,929 in total from Workers' Compensation Fund.
From \$9,720,930 to \$9,716,765 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 7.845. — To the Department of Labor and Industrial Relations
For the Division of Workers' Compensation
For payment of special claims
From Workers' Compensation - Second Injury Fund (0653).....\$105,060,833

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 7.850. — To the Department of Labor and Industrial Relations For the Division of Workers' Compensation For refunds for overpayment of any tax or any payment credited to the Workers' Compensation - Second Injury Fund From Workers' Compensation - Second Injury Fund (0653).....		\$500,000
SECTION 7.855. — To the Department of Labor and Industrial Relations Funds are to be transferred out of the State Treasury to the Line of Duty Compensation Fund, provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.910 From General Revenue Fund (0101)		\$450,000
SECTION 7.860. — To the Department of Labor and Industrial Relations For the Line of Duty Compensation Program as provided in Section 287.243, RSMo From Line of Duty Compensation Fund (0939)		\$450,000
SECTION 7.865. — To the Department of Labor and Industrial Relations For the Division of Workers' Compensation For payments of claims to tort victims From Tort Victims' Compensation Fund (0622).....		\$7,700,000
SECTION 7.870. — To the Department of Labor and Industrial Relations Funds are to be transferred out of the State Treasury, pursuant to Section 537.675, RSMo, to the Basic Civil Legal Services Fund From Tort Victims' Compensation Fund (0622).....		\$2,700,000
SECTION 7.875. — To the Department of Labor and Industrial Relations For the design and construction of a Workers Memorial From Workers Memorial Fund (0895).....		\$150,000
*SECTION 7.880. — To the Department of Labor and Industrial Relations For the Division of Employment Security, provided that not more than twenty- five percent (25%) flexibility is allowed between personal service and expense and equipment Personal Service..... Expense and Equipment..... From Unemployment Compensation Administration Fund (0948)		\$23,721,508 5,800,401 29,521,909
Personal Service..... Expense and Equipment..... From Department of Labor and Industrial Relations Federal Stimulus Fund (2375).....		23,948,454 7,600,846 31,549,300
Personal Service..... Expense and Equipment.....		436,782 16,143

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Matter in bold-face type is proposed language.

From Unemployment Automation Fund (0953).....	<u>452,925</u>
Total (Not to exceed 517.21 F.T.E.)	\$61,524,134

*I hereby veto \$8,121 Unemployment Compensation Administration Fund for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$8,121 from \$5,800,401 to \$5,792,280 from Unemployment Compensation Administration Fund.

From \$29,521,909 to \$29,513,788 in total from Unemployment Compensation Administration Fund.

From \$61,524,134 to \$61,516,013 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 7.885. — To the Department of Labor and Industrial Relations

For the Division of Employment Security

For administration of programs authorized and funded by the United States Department of Labor, such as Disaster Unemployment Assistance (DUA), and provided that all funds shall be expended from discrete accounts and that no monies shall be expended for funding administration of these programs by the Division of Employment Security

From Unemployment Compensation Administration Fund (0948)	\$11,000,000
From Department of Labor and Industrial Relations Federal Stimulus Fund (2375)	<u>17,000,000</u>
Total	\$28,000,000

SECTION 7.890. — To the Department of Labor and Industrial Relations

For the Division of Employment Security

Personal Service	\$598,511
Expense and Equipment	<u>6,498,000</u>

From Special Employment Security Fund (0949) (Not to exceed 15.00 F.T.E.)	\$7,096,511
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SECTION 7.895. — To the Department of Labor and Industrial Relations

For the Division of Employment Security

For the War on Terror Unemployment Compensation Program

Expense and Equipment	\$5,000
For payment of benefits	<u>35,000</u>
From War on Terror Unemployment Compensation Fund (0736)	\$40,000

SECTION 7.900. — To the Department of Labor and Industrial Relations

For the Division of Employment Security

For the payment of refunds set off against debts as required by Section 143.786, RSMo

From Debt Offset Escrow Fund (0753)	\$5,000,000
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EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

***SECTION 7.905.** — To the Department of Labor and Industrial Relations

For the Missouri Commission on Human Rights, provided that not more than ten percent (10%) flexibility is allowed between personal service and expense and equipment, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.910

Personal Service.....	\$548,621
Expense and Equipment.....	16,344
From General Revenue Fund (0101)	564,965
Personal Service.....	719,645
Expense and Equipment.....	103,627
From Department of Labor and Industrial Relations - Commission on Human Rights - Federal Fund (0117)	823,272

For the Martin Luther King, Jr. State Celebration Commission, provided that not more than three percent (3%) flexibility is allowed from this section to Section 7.910

From General Revenue Fund (0101)	55,190
From Martin Luther King, Jr. State Celebration Commission Fund (0438).....	5,000
Total (Not to exceed 25.70 F.T.E.)	\$1,448,427

*I hereby veto \$296, including \$71 general revenue, for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

For the Missouri Commission on Human Rights.

Expense and Equipment by \$4 from \$16,344 to \$16,340 from General Revenue Fund.

From \$564,965 to \$564,961 in total from General Revenue Fund.

Expense and Equipment by \$225 from \$103,627 to \$103,402 from Department of Labor and Industrial Relations – Commission on Human Rights – Federal Fund.

From \$823,272 to \$823,047 in total from Division of Labor and Industrial Relations – Commission on Human Rights – Federal Fund.

For the Martin Luther King, Jr. State Celebration Commission.

By \$67 from \$55,190 to \$55,123 from General Revenue Fund.

From \$1,448,427 to \$1,448,131 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 7.910. — To the Department of Labor and Industrial Relations

Funds are to be transferred out of the State Treasury, for the payment of claims, premiums, and expenses as provided by Section 105.711 through 105.726, RSMo, to the State Legal Expense Fund

From General Revenue Fund (0101)	\$1
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EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Department of Economic Development Totals

General Revenue Fund.....	\$65,392,701
Federal Funds.....	165,017,498
Other Funds.....	<u>39,024,895</u>
Total.....	\$269,435,094

Department of Commerce and Insurance Totals

General Revenue Fund.....	\$1,044,191
Federal Funds.....	1,400,000
Other Funds.....	<u>63,135,907</u>
Total.....	\$65,580,098

Department of Labor & Industrial Relations Totals

General Revenue Fund.....	\$2,371,734
Federal Funds.....	104,705,028
Other Funds.....	<u>133,835,604</u>
Total.....	\$240,912,366

Approved June 30, 2020

CCS SCS HS HCS HB 2008**Appropriates money for the expenses, grants, refunds, and distributions of the Department of Public Safety**

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2020, and ending June 30, 2021.

Be it enacted by the General Assembly of the state of Missouri, as follows:

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, fund transfer, and program described herein for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated, for the period beginning July 1, 2020, and ending June 30, 2021, as follows:

PART 1

SECTION 8.000. Each appropriation in this act shall consist of the item or items in each section of Part 1 of this act, for the amount and purpose and from the fund designated in each section of Part 1, as well as all additional clarifications of purpose in Part 2 of this act that make reference by section to said item or items in Part 1. Any clarification of purpose in Part 2 shall state the section or sections in Part 1 to which it attaches and shall, together

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Matter in bold-face type is proposed language.

with the language of said section(s) in Part 1, form the complete statement of purpose of the appropriation. As such, the provisions of Part 2 of this act shall not be severed from Part 1, and if any clarification of purpose in Part 2 is for any reason held to be invalid, such decision shall invalidate all of the appropriations in this act of which said clarification of purpose is a part.

SECTION 8.005. — To the Department of Public Safety

For the Office of the Director, provided three percent (3%) flexibility is allowed from this section to Section 8.320

Personal Service.....	\$1,252,946
Annual salary adjustment in accordance with Section 105.005, RSMo.....	904
Expense and Equipment.....	<u>126,774</u>
From General Revenue Fund (0101).....	1,380,624
Personal Service.....	338,820
Expense and Equipment.....	<u>420,154</u>
From Department of Public Safety Federal Fund (0152).....	758,974
Personal Service.....	333,307
Annual salary adjustment in accordance with Section 105.005, RSMo.....	59
Expense and Equipment.....	<u>99,800</u>
From Justice Assistance Grant Program Fund (0782).....	433,166
Personal Service.....	77,015
Expense and Equipment.....	<u>10,042</u>
From Services to Victims Fund (0592).....	87,057
Personal Service.....	545,033
Annual salary adjustment in accordance with Section 105.005, RSMo.....	113
Expense and Equipment.....	<u>1,453,268</u>
From Crime Victims' Compensation Fund (0681).....	1,998,414
Expense and Equipment	
From Missouri Crime Prevention Information and Programming Fund (0253).....	1,000
Expense and Equipment	
From Antiterrorism Fund (0759).....	15,000
Personal Service.....	1,254,755
Expense and Equipment.....	<u>17,998,600</u>
From Department of Public Safety Federal Homeland Security Fund (0193).....	19,253,355
Personal Service.....	93,918
Expense and Equipment.....	<u>813,000</u>
From MODEX Fund (0867).....	906,918

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For receiving and expending grants, donations, contracts, and payments from private, federal, and other governmental agencies, provided the General Assembly shall be notified of the source of any new funds and the purpose for which they shall be expended, in writing, prior to the expenditure of said funds

Personal Service.....	47,750
Expense and Equipment.....	<u>3,455,000</u>
From Department of Public Safety Federal Fund (0152).....	3,502,750

For drug task force grants, provided three percent (3%) be allowed for grant administration

Personal Service.....	51,945
Expense and Equipment.....	<u>1,850,772</u>
From General Revenue Fund (0101).....	1,902,717

For Coronavirus Emergency Supplemental Fund (CESF) grants, provided no more than ten percent (10%) is allowed for administrative costs

Personal Service.....	675,494
Expense and Equipment.....	<u>10,758,773</u>
From Coronavirus Emergency Supplemental Fund (0179).....	<u>11,434,267</u>
Total (Not to exceed 72.05 F.T.E.)	\$41,674,242

SECTION 8.010. — To the Department of Public Safety

For the Office of the Director

For the Juvenile Justice Delinquency Prevention Program

From Department of Public Safety Federal Fund (0152).....	\$722,492
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SECTION 8.015. — To the Department of Public Safety

For the Office of the Director

For the Narcotics Control Assistance Program and multi-jurisdictional task forces

From Justice Assistance Grant Program Fund (0782).....	\$4,490,000
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SECTION 8.020. — To the Department of Public Safety

For the Office of the Director

For the Missouri Sheriff Methamphetamine Relief Taskforce

For supplementing deputy sheriffs' salary and related employment benefits pursuant to Section 57.278, RSMo

From Deputy Sheriff Salary Supplementation Fund (0913).....	\$7,200,000
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SECTION 8.025. — To the Department of Public Safety

For the Office of the Director

For operating grants to local law enforcement cyber crimes task forces, provided three percent (3%) is allowed for grant administration and three percent (3%) flexibility is allowed from this section to Section 8.320

Personal Service.....	\$17,139
Expense and Equipment.....	<u>1,984,227</u>
From General Revenue Fund (0101).....	\$2,001,366

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 8.030. — To the Department of Public Safety

For the Office of the Director

To provide financial assistance to the spouses, children, and other dependents of any local law enforcement officers, paramedics, emergency medical technicians, corrections officers, and/or firefighters who have lost their lives performing their duties. Deaths from natural causes, illnesses, or injuries are outside the program's scope, provided three percent (3%) flexibility is allowed from this section to Section 8.320

From General Revenue Fund (0101) \$50,000

SECTION 8.035. — To the Department of Public Safety

For the Office of the Director

For the Services to Victims Program, provided three percent (3%) of each grant award be allowed for the administrative expenses of each grantee

From Services to Victims Fund (0592)..... \$2,000,000

SECTION 8.040. — To the Department of Public Safety

For the Office of the Director

For the Violence Against Women Program

From Department of Public Safety Federal Fund (0152)..... \$3,294,232

SECTION 8.045. — To the Department of Public Safety

For the Office of the Director, provided three percent (3%) flexibility is allowed from this section to Section 8.320

For the Crime Victims' Compensation Program

From General Revenue Fund (0101) \$1,600,000

From Department of Labor and Industrial Relations -

Crime Victims - Federal Fund (0191) 3,900,000

From Crime Victims' Compensation Fund (0681) 4,837,329

Personal Service..... 61,800

Expense and Equipment..... 160,000

From Department of Labor and Industrial Relations -

Crime Victims - Federal Fund (0191)..... 221,800

For reimbursing SAFE-Care providers for performing forensic medical exams on children suspected of having been physically abused

Personal Service..... 32,240

Expense and Equipment..... 1,022,000From General Revenue Fund (0101) 1,054,240

Total (Not to exceed 1.00 F.T.E.)..... \$11,613,369

SECTION 8.055. — To the Department of Public Safety

For the National Forensic Sciences Improvement Act Program

From Department of Public Safety Federal Fund (0152)..... \$250,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 8.060. — To the Department of Public Safety	
For the State Forensic Laboratory Program	
From State Forensic Laboratory Fund (0591).....	\$360,000
SECTION 8.065. — To the Department of Public Safety	
For the Office of the Director	
For the Residential Substance Abuse Treatment Program	
From Department of Public Safety Federal Fund (0152).....	\$742,000
SECTION 8.070. — To the Department of Public Safety	
For the Office of the Director	
For peace officer training	
From Peace Officer Standards and Training Commission Fund (0281).....	\$950,000
SECTION 8.075. — To the Department of Public Safety	
For the Capitol Police	
Personal Service and/or Expense and Equipment, provided that not more than five percent (5%) flexibility is allowed between personal service and expense and equipment, and further provided that three percent (3%) flexibility is allowed from this section to Section 8.320	
Personal Service.....	\$1,753,524
Expense and Equipment.....	90,228
From General Revenue Fund (0101) (Not to exceed 40.00 F.T.E.)	\$1,843,752
SECTION 8.080. — To the Department of Public Safety	
For the State Highway Patrol	
For Administration, provided three percent (3%) flexibility is allowed from this section to Section 8.320	
Personal Service.....	\$267,917
Expense and Equipment.....	11,524
From General Revenue Fund (0101)	279,441
Personal Service.....	6,612,726
Expense and Equipment.....	527,891
From State Highways and Transportation Department Fund (0644)	7,140,617
Personal Service	
From Criminal Record System Fund (0671).....	81,405
Personal Service.....	37,199
Expense and Equipment.....	12,965
From Gaming Commission Fund (0286)	50,164
Personal Service	
From Water Patrol Division Fund (0400).....	203,378
For the High-Intensity Drug Trafficking Area Program	
From Department of Public Safety Federal Fund (0152).....	2,598,000
Total (Not to exceed 125.00 F.T.E.)	\$10,353,005

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
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SECTION 8.085. — To the Department of Public Safety

For the State Highway Patrol

For fringe benefits, including retirement contributions for members of the Missouri Department of Transportation and Highway Patrol Employees' Retirement System and insurance premiums, provided three percent (3%) flexibility is allowed from this section to Section 8.320

Personal Service.....	\$13,309,142
Expense and Equipment.....	<u>1,149,404</u>
From General Revenue Fund (0101)	14,458,546
Personal Service.....	3,985,356
Expense and Equipment.....	<u>171,691</u>
From Department of Public Safety Federal Fund (0152)	4,157,047
Personal Service.....	667,145
Expense and Equipment.....	<u>466,530</u>
From Gaming Commission Fund (0286)	1,133,675
Personal Service.....	1,417,443
Expense and Equipment.....	<u>120,339</u>
From Water Patrol Division Fund (0400).....	1,537,782
Personal Service.....	89,909,415
Expense and Equipment.....	<u>7,295,799</u>
From State Highways and Transportation Department Fund (0644)	97,205,214
Personal Service.....	3,792,423
Expense and Equipment.....	<u>271,773</u>
From Criminal Record System Fund (0671).....	4,064,196
Personal Service.....	109,549
Expense and Equipment.....	<u>11,713</u>
From Highway Patrol Academy Fund (0674)	121,262
Personal Service.....	4,821
Expense and Equipment.....	<u>799</u>
From Highway Patrol's Motor Vehicle, Aircraft, and Watercraft Revolving Fund (0695)	5,620
Personal Service.....	71,082
Expense and Equipment.....	<u>6,181</u>
From DNA Profiling Analysis Fund (0772)	77,263
Personal Service.....	73,026
Expense and Equipment.....	<u>5,488</u>
From Highway Patrol Traffic Records Fund (0758)	78,514

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Personal Service.....	77,167
Expense and Equipment.....	<u>8,320</u>
From Highway Patrol Inspection Fund (0297)	85,487
Total.....	<u>\$122,924,606</u>

***SECTION 8.090.** — To the Department of Public Safety

For the State Highway Patrol

For the Enforcement Program, provided three percent (3%) flexibility is allowed
from this section to Section 8.320

Personal Service.....	\$10,592,134
Expense and Equipment.....	<u>2,032,568</u>
From General Revenue Fund (0101)	12,624,702

Personal Service.....	78,893,350
Expense and Equipment.....	<u>6,664,292</u>
From State Highways and Transportation Department Fund (0644)	85,557,642

Expense and Equipment, all expenditures must be in compliance with the United States Department of Justice Equitable Sharing Program guidelines	
From Federal Drug Seizure Fund (0194)	400,000

Personal Service	
From Criminal Record System Fund (0671).....	15,756

Expense and Equipment	
From Gaming Commission Fund (0286)	432,828

Personal Service.....	8,289
Expense and Equipment.....	<u>397,625</u>
From Highway Patrol's Motor Vehicle, Aircraft, and Watercraft Revolving Fund (0695)	405,914

Expense and Equipment	
From Highway Patrol Traffic Records Fund (0758)	245,242

Personal Service	
From Water Patrol Division Fund (0400).....	90,447

For the Governor's Security Detail

Personal Service and/or Expense and Equipment	
From General Revenue Fund (0101) (Not to exceed 14.00 F.T.E.)	969,730

For receiving and expending grants, donations, contracts, and payments from
private, federal, and other governmental agencies provided the General
Assembly shall be notified of the source of any new funds and the purpose
for which they shall be expended, in writing, prior to the expenditure of said
funds

Personal Service.....	5,386,173
Expense and Equipment.....	<u>5,854,322</u>
From Department of Public Safety Federal Fund (0152)	11,240,495

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For a statewide interoperable communication system

Expense and Equipment

From State Highways and Transportation Department Fund (0644)	9,712,926
Total (Not to exceed 1,304.00 F.T.E.)	\$121,695,682

*I hereby veto \$25,590 federal and other funds for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

For the Enforcement Program.

Expense and Equipment by \$24,899 from \$6,664,292 to \$6,639,393 from State Highways and Transportation Department Fund.

From \$85,557,642 to \$85,532,743 in total from State Highways and Transportation Department Fund.

For receiving and expending grants, donations, contracts, and payments from private, federal, and other governmental agencies.

Expense and Equipment by \$691 from \$5,854,322 to \$5,853,631 from Department of Public Safety Federal Fund.

From \$11,240,495 to \$11,239,804 in total from Department of Public Safety Federal Fund.

From \$121,695,682 to \$121,670,092 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 8.095. — To the Department of Public Safety

For the State Highway Patrol

For the Water Patrol Division, provided three percent (3%) flexibility is allowed
from this section to Section 8.320

Personal Service.....	\$3,868,905
Expense and Equipment.....	284,764
From General Revenue Fund (0101)	4,153,669

Personal Service.....	295,054
Expense and Equipment.....	2,225,990
From Department of Public Safety Federal Fund (0152).....	2,521,044

Expense and Equipment, all expenditures must be in compliance with the
United States Department of Justice Equitable Sharing Program guidelines

From Federal Drug Seizure Fund (0194) 16,499

Personal Service.....	1,677,806
Expense and Equipment.....	840,000
From Water Patrol Division Fund (0400).....	2,517,806
Total (Not to exceed 81.00 F.T.E.)	\$9,209,018

SECTION 8.100. — To the Department of Public Safety

For the State Highway Patrol

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For gasoline expenses for State Highway Patrol vehicles, including aircraft and Gaming Commission vehicles, provided three percent (3%) flexibility is allowed from this section to Section 8.320

Expense and Equipment

From General Revenue Fund (0101)	\$390,817
From Gaming Commission Fund (0286)	755,366
From State Highways and Transportation Department Fund (0644)	<u>4,837,264</u>
Total	\$5,983,447

SECTION 8.105. — To the Department of Public Safety

For the State Highway Patrol

For the purchase of vehicles, aircraft, and watercraft for the State Highway Patrol and the Gaming Commission in accordance with Section 43.265, RSMo, also for maintenance and repair costs for vehicles, provided three percent (3%) flexibility is allowed from this section to Section 8.320

Expense and Equipment

From General Revenue Fund (0101)	\$200,000
From State Highways and Transportation Department Fund (0644)	6,323,075
From Highway Patrol's Motor Vehicle, Aircraft, and Watercraft Revolving Fund (0695)	7,713,448
From Gaming Commission Fund (0286)	<u>549,074</u>
Total	\$14,785,597

***SECTION 8.110.** — To the Department of Public Safety

For the State Highway Patrol

For Crime Labs, provided three percent (3%) flexibility is allowed from this section to Section 8.320

Personal Service

\$2,903,126

Expense and Equipment

811,683

From General Revenue Fund (0101)

3,714,809

Expense and Equipment

From Victims of Crime Act Federal Fund (0146)

1,000,000

Personal Service

4,249,637

Expense and Equipment

1,297,749

From State Highways and Transportation Department Fund (0644)

5,547,386

Personal Service

68,556

Expense and Equipment

1,478,305

From DNA Profiling Analysis Fund (0772)

1,546,861

Personal Service

242,974

Expense and Equipment

900,000

From Department of Public Safety Federal Fund (0152)

1,142,974

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Personal Service.....	362,638
Expense and Equipment.....	<u>2,575</u>
From Criminal Record System Fund (0671).....	365,213

Expense and Equipment	
From State Forensic Laboratory Fund (0591).....	<u>357,633</u>
Total (Not to exceed 124.00 F.T.E.)	\$13,674,876

*I hereby veto \$145 general revenue for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$145 from \$811,683 to \$811,538 from General Revenue Fund.
 From \$3,714,809 to \$3,714,664 in total from General Revenue Fund.
 From \$13,674,876 to \$13,674,731 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 8.115. — To the Department of Public Safety

For the State Highway Patrol

For the Law Enforcement Academy, provided three percent (3%) flexibility is
 allowed from this section to Section 8.320

Personal Service	
From General Revenue Fund (0101)	\$83,828

Expense and Equipment	
From Department of Public Safety Federal Fund (0152).....	59,655

Personal Service.....	185,088
Expense and Equipment.....	<u>69,440</u>
From Gaming Commission Fund (0286)	254,528

Personal Service.....	1,402,881
Expense and Equipment.....	<u>73,576</u>
From State Highways and Transportation Department Fund (0644)	1,476,457

Personal Service.....	107,877
Expense and Equipment.....	<u>581,717</u>
From Highway Patrol Academy Fund (0674)	689,594
Total (Not to exceed 35.00 F.T.E.)	\$2,564,062

SECTION 8.120. — To the Department of Public Safety

For the State Highway Patrol

For Vehicle and Driver Safety

Expense and Equipment	
From Department of Public Safety Federal Fund (0152).....	\$350,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
 Matter in bold-face type is proposed language.

Personal Service.....	11,814,015
Expense and Equipment.....	<u>1,110,790</u>
From State Highways and Transportation Department Fund (0644).....	12,924,805

Personal Service.....	132,639
Expense and Equipment.....	<u>360,632</u>
From Highway Patrol Inspection Fund (0297)	<u>493,271</u>
Total (Not to exceed 300.00 F.T.E.)	\$13,768,076

SECTION 8.125. — To the Department of Public Safety

For the State Highway Patrol

For refunding unused motor vehicle inspection stickers

From State Highways and Transportation Department Fund (0644).....	\$100,000
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SECTION 8.130. — To the Department of Public Safety

For the State Highway Patrol

For Technical Services, provided three percent (3%) flexibility is allowed from this section to Section 8.320

Personal Service.....	\$253,637
Expense and Equipment.....	<u>484,998</u>
From General Revenue Fund (0101)	738,635

Personal Service.....	464,285
Expense and Equipment.....	<u>4,995,285</u>
From Department of Public Safety Federal Fund (0152).....	5,459,570

Personal Service.....	16,711,690
Expense and Equipment.....	<u>14,839,238</u>
From State Highways and Transportation Department Fund (0644).....	31,550,928

Personal Service.....	3,999,021
Expense and Equipment.....	<u>2,105,243</u>
For National Criminal Record Reviews	<u>3,000,000</u>
From Criminal Record System Fund (0671).....	9,104,264

For Livescan purchases, Livescan lease agreements in full, and Livescan maintenance costs incurred by local and county law enforcement

From Criminal Record System Fund (0671).....	1,945,000
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Personal Service.....	22,189
Expense and Equipment.....	<u>83,040</u>
From Gaming Commission Fund (0286).....	105,229

Personal Service	
From Highway Patrol Traffic Records Fund (0758)	85,408

Expense and Equipment	
From Criminal Justice Network and Technology Revolving Fund (0842)	<u>2,819,050</u>
Total (Not to exceed 367.00 F.T.E.)	\$51,808,084

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 8.135. — To the Department of Public Safety

For the State Highway Patrol

For the recoupment, receipt, and disbursement of funds for equipment
replacement and expenses

Expense and Equipment

From Highway Patrol Expense Fund (0793) \$65,000

SECTION 8.140. — To the Department of Public SafetyFunds are to be transferred out of the State Treasury to the State Road Fund
pursuant to Section 307.365, RSMo

From Highway Patrol Inspection Fund (0297) \$2,000,000

SECTION 8.145. — To the Department of Public Safety

For the Division of Alcohol and Tobacco Control

Personal Service..... \$432,808

Expense and Equipment..... 397,594

From Department of Public Safety Federal Fund (0152)..... 830,402

Personal Service..... 1,843,680

Expense and Equipment..... 586,942From Division of Alcohol and Tobacco Control Fund (0544) 2,430,622Total (Not to exceed 36.00 F.T.E.) \$3,261,024**SECTION 8.150.** — To the Department of Public Safety

For the Division of Alcohol and Tobacco Control

For refunds for unused liquor and beer licenses and for liquor and beer stamps
not used and canceled

From General Revenue Fund (0101) \$55,000

***SECTION 8.155.** — To the Department of Public SafetyFor the Division of Fire Safety, provided for all funds in this section, five percent
(5%) flexibility is allowed between personal service and expense and
equipment, no flexibility is allowed from expense and equipment to personal
service and three percent (3%) flexibility is allowed from this section to
Section 8.320

Personal Service..... \$2,443,913

Expense and Equipment..... 204,105

From General Revenue Fund (0101) 2,648,018

Personal Service..... 444,515

Expense and Equipment..... 89,511

From Elevator Safety Fund (0257) 534,026

Personal Service..... 463,044

Expense and Equipment..... 72,122

From Boiler and Pressure Vessels Safety Fund (0744) 535,166

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Personal Service.....	91,683
Expense and Equipment.....	<u>12,027</u>
From Missouri Explosives Safety Act Administration Fund (0804).....	<u>103,710</u>
Total (Not to exceed 69.92 F.T.E.)	\$3,820,920

*I hereby veto \$44 general revenue for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$44 from \$204,105 to \$204,061 from General Revenue Fund.
From \$2,648,018 to \$2,647,974 in total from General Revenue Fund.

I hereby veto \$52,344 other funds for vehicle replacements. This increase was not part of my budget recommendations. The revenue losses associated with the COVID-19 pandemic necessitate reducing spending on non-critical items.

Expense and Equipment by \$34,896 from \$89,511 to \$54,615 from Elevator Safety Fund.
From \$534,026 to \$499,130 in total from Elevator Safety Fund.

Expense and Equipment by \$17,448 from \$72,122 to \$54,674 from Boiler and Pressure Vessels Safety Fund.

From \$535,166 to \$517,718 in total from Boiler and Pressure Vessels Safety Fund

From \$3,820,920 to \$3,768,532 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 8.160. — To the Department of Public Safety

For the Division of Fire Safety

For the Fire Safe Cigarette Program

Personal Service.....	\$21,865
Expense and Equipment.....	<u>10,204</u>
From Cigarette Fire Safety Standard and Firefighter Protection Act Fund (0937).....	\$32,069

SECTION 8.165. — To the Department of Public Safety

For the Division of Fire Safety

For firefighter training contracted services, provided three percent (3%)

flexibility is allowed from this section to Section 8.320

Expense and Equipment

From General Revenue Fund (0101)	\$480,000
From Chemical Emergency Preparedness Fund (0587).....	100,000
From Fire Education Fund (0821)	250,000

For Missouri Fire Service Funeral Assistance Team training and equipment

Expense and Equipment

From General Revenue Fund (0101)	<u>20,000</u>
Total.....	\$850,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

***SECTION 8.170.** — To the Department of Public Safety

For the Missouri Veterans' Commission

For Administration and Service to Veterans

Personal Service.....	\$4,844,239
Expense and Equipment.....	<u>1,470,997</u>
From Veterans Commission Capital Improvement Trust Fund (0304)	6,315,236

Expense and Equipment	
From Veterans' Trust Fund (0579).....	<u>23,832</u>
Total (Not to exceed 117.21 F.T.E.)	\$6,339,068

*I hereby veto \$7,392 Veterans Commission Capital Improvement Trust Fund for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$7,392 from \$1,470,997 to \$1,463,605 from Veterans Commission Capital Improvement Trust Fund.

From \$6,315,236 to \$6,307,844 in total from Veterans Commission Capital Improvement Trust Fund.

From \$6,339,068 to \$6,331,676 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 8.175. — To the Department of Public Safety

For the Missouri Veterans' Commission

For the restoration, renovation, and maintenance of a World War I Memorial

From World War I Memorial Trust Fund (0993)	\$150,000
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SECTION 8.180. — To the Department of Public Safety

For the Missouri Veterans' Commission

For housing assistance for veterans

From Veterans Assistance Fund (0461)	\$2,500,000
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SECTION 8.185. — To the Department of Public Safety

For the Missouri Veterans' Commission

For the Veterans' Service Officer Program

From Veterans Commission Capital Improvement Trust Fund (0304)	\$1,600,000
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***SECTION 8.190.** — To the Department of Public Safety

For the Missouri Veterans' Commission

For Missouri Veterans' Homes

Personal Service.....	\$58,776,010
Expense and Equipment.....	<u>24,261,332</u>
From Missouri Veterans' Homes Fund (0460).....	83,037,342

Expense and Equipment	
From Veterans' Trust Fund (0579).....	<u>51,536</u>

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Personal Service	
From Veterans Commission Capital Improvement Trust Fund (0304)	31,343
For refunds to veterans and/or the U.S. Department of Veterans' Affairs	
From Missouri Veterans' Homes Fund (0460).....	1,274,400
For overtime to state employees. Non-exempt state employees identified by	
Section 105.935, RSMo, will be paid first with any remaining funds being	
used to pay overtime to any other state employees	
From Missouri Veterans' Homes Fund (0460).....	<u>1,669,102</u>
Total (Not to exceed 1,636.48 F.T.E.)	\$86,063,723

*I hereby veto \$4,279 other funds for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$3,501 from \$24,261,332 to \$24,257,831 from Missouri Veterans' Homes Fund.

From \$83,037,342 to \$83,033,841 in total from Missouri Veterans' Homes Fund.

Expense and Equipment by \$778 from \$51,536 to \$50,758 from Veterans' Trust Fund.

From \$86,063,723 to \$86,059,444 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 8.192. — To the Department of Public Safety

For the Missouri Veterans' Commission

For paying a pandemic stipend to state employees providing direct care and support to institutionalized individuals during the COVID-19 public health emergency

Personal Service

From Department of Public Safety Federal Stimulus Fund (2330).....\$2,262,000

SECTION 8.195. — To the Department of Public Safety

For the Missouri Veterans' Commission

For the operations of Veterans' Homes and cemeteries, utilities, systems furniture, and structural modifications

From Veterans Commission Capital Improvement Trust Fund (0304).....\$3,448,501

SECTION 8.200. — To the Department of Public Safety

Funds are to be transferred out of the State Treasury to the Missouri Veterans' Homes Fund

From Veterans Commission Capital Improvement Trust Fund (0304).....\$30,000,000

***SECTION 8.205.** — To the Department of Public Safety

For the Gaming Commission

For the Divisions of Gaming and Bingo

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Personal Service.....	\$15,178,130
Expense and Equipment.....	<u>1,731,187</u>
From Gaming Commission Fund (0286)	16,909,317

Expense and Equipment	
From Compulsive Gamblers Fund (0249)	<u>56,310</u>
Total (Not to exceed 232.75 F.T.E.)	\$16,965,627

*I hereby veto \$2,334 Gaming Commission Fund for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$2,334 from \$1,731,187 to \$1,728,853 from Gaming Commission Fund.

From \$16,909,317 to \$16,906,983 in total from Gaming Commission Fund.

From \$16,965,627 to \$16,963,293 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 8.210. — To the Department of Public Safety

For the Gaming Commission

For fringe benefits, including retirement contributions for members of the Missouri Department of Transportation and Highway Patrol Employees' Retirement System, and insurance premiums for State Highway Patrol employees assigned to work under the direction of the Gaming Commission

Personal Service.....	\$7,089,567
Expense and Equipment.....	<u>267,317</u>
From Gaming Commission Fund (0286)	\$7,356,884

SECTION 8.215. — To the Department of Public Safety

For the Gaming Commission

For refunding any overpayment or erroneous payment of any amount that is credited to the Gaming Commission Fund

From Gaming Commission Fund (0286)	\$100,000
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SECTION 8.220. — To the Department of Public Safety

For the Gaming Commission

For refunding any overpayment or erroneous payment of any amount received for bingo fees

From Bingo Proceeds for Education Fund (0289)	\$5,000
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SECTION 8.225. — To the Department of Public Safety

For the Gaming Commission

For refunding any overpayment or erroneous payment of any amount that is credited to the Gaming Proceeds for Education Fund

From Gaming Proceeds for Education Fund (0285)	\$50,000
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EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 8.230. — To the Department of Public Safety

For the Gaming Commission

For breeder incentive payments

From Missouri Breeders Fund (0605) \$5,000

SECTION 8.235. — To the Department of Public Safety

Funds are to be transferred out of the State Treasury to the Veterans

Commission Capital Improvement Trust Fund

From Gaming Commission Fund (0286) \$25,000,000

SECTION 8.240. — To the Department of Public Safety

Funds are to be transferred out of the State Treasury to the Missouri National

Guard Trust Fund

From Gaming Commission Fund (0286) \$4,000,000

SECTION 8.245. — To the Department of Public Safety

Funds are to be transferred out of the State Treasury to the Access Missouri

Financial Assistance Fund

From Gaming Commission Fund (0286) \$5,000,000

SECTION 8.250. — To the Department of Public Safety

Funds are to be transferred out of the State Treasury to the Compulsive

Gamblers Fund

From Gaming Commission Fund (0286) \$194,181

***SECTION 8.255.** — To the Adjutant General

For Missouri Military Forces Administration, provided three percent (3%)

flexibility is allowed from this section to Section 8.320

Personal Service \$1,109,709

Expense and Equipment 108,057

From General Revenue Fund (0101) 1,217,766

Expense and Equipment, all expenditures must be in compliance with the

United States Department of Justice Equitable Sharing Program guidelines

From Federal Drug Seizure Fund (0194) 240,622

For the State Defense Force

Expense and Equipment

From General Revenue Fund (0101) 59,750

Total (Not to exceed 28.48 F.T.E.) \$1,518,138

*I hereby veto \$1,398, including \$1,087 general revenue, for a \$.06 increase in the mileage reimbursement rate. These funds were not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

For Missouri Military Forces Administration.

Expense and Equipment by \$1,087 from \$108,057 to \$106,970 from General Revenue Fund.

From \$1,217,766 to \$1,216,679 in total from General Revenue Fund.

Expense and Equipment by \$311 from \$240,622 to \$240,311 from Federal Drug Seizure Fund.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

I hereby veto \$59,750 general revenue for the State Defense Force. These funds were not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic. Additionally, other agencies such as the Missouri National Guard and Missouri Task Force 1 are already providing the services the State Defense Force provides; therefore, this funding is duplicative in nature.

For the State Defense Force.

Expense and Equipment from \$59,750 to \$0 from General Revenue Fund.

From \$1,518,138 to \$1,456,990 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 8.260. — To the Adjutant General

For activities in support of the Missouri National Guard, including the National Guard Tuition Assistance Program and the Military Honors Program, provided three percent (3%) flexibility is allowed from this section to Section 8.320

Personal Service.....	\$40,226
Expense and Equipment.....	<u>3,343,957</u>
From General Revenue Fund (0101)	3,384,183

Personal Service.....	1,369,061
Expense and Equipment.....	<u>3,226,247</u>
From Missouri National Guard Trust Fund (0900)	<u>4,595,308</u>
Total (Not to exceed 43.40 F.T.E.)	\$7,979,491

SECTION 8.265. — To the Adjutant General

For maintenance and repair of the U.S.S. Missouri Memorial at Pearl Harbor, provided that three percent (3%) flexibility is allowed from this section to Section 8.315

From General Revenue Fund (0101)	\$50,000
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SECTION 8.270. — To the Adjutant General

For the Veterans Recognition Program

Personal Service.....	\$100,434
Expense and Equipment.....	<u>536,732</u>
From Veterans Commission Capital Improvement Trust Fund (0304)	
(Not to exceed 3.00 F.T.E.).....	\$637,166

SECTION 8.275. — To the Adjutant General

For Missouri Military Forces Field Support, provided three percent (3%) flexibility is allowed from this section to Section 8.320

Personal Service.....	\$753,795
Expense and Equipment.....	<u>1,741,217</u>
From General Revenue Fund (0101)	2,495,012

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Personal Service.....	107,577
Expense and Equipment.....	<u>98,417</u>
From Adjutant General - Federal Fund (0190)	205,994
Total (Not to exceed 40.37 F.T.E.)	<u>\$2,701,006</u>

SECTION 8.280. — To the Adjutant General

For operational expenses at armories from armory rental fees

Expense and Equipment

From Adjutant General Revolving Fund (0530)..... \$55,000

SECTION 8.285. — To the Adjutant General

For the Missouri Military Family Relief Program

Expense and Equipment..... \$10,000

For grants to family members of the National Guard and reservists who

are in financial need..... 140,000

From Missouri Military Family Relief Fund (0719) \$150,000

SECTION 8.290. — To the Adjutant General

For training site operating costs

Expense and Equipment

From Missouri National Guard Training Site Fund (0269) \$330,000

***SECTION 8.295.** — To the Adjutant General

For Missouri Military Forces Contract Services, provided three percent (3%)

flexibility is allowed from this section to Section 8.320

Personal Service..... \$466,185

Expense and Equipment..... 19,773

From General Revenue Fund (0101) 485,958

Personal Service..... 12,756,477

Expense and Equipment..... 16,805,354

From Adjutant General - Federal Fund (0190) 29,561,831

Personal Service

From Missouri National Guard Training Site Fund (0269) 21,752

Expense and Equipment

From Missouri National Guard Trust Fund (0900) 673,925

For refund of federal overpayments to the state for the Contract

Services Program

From Adjutant General - Federal Fund (0190) 865,561Total (Not to exceed 353.80 F.T.E.) \$31,609,027

*I hereby veto \$899 Adjutant General – Federal Fund for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$899 from \$16,805,354 to \$16,804,455 from Adjutant General – Federal Fund.

From \$29,561,831 to \$29,560,932 in total from Adjutant General – Federal Fund.

From \$31,609,027 to \$31,608,128 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 8.297. — To the Adjutant General

For the Office of Air Search and Rescue, provided three percent (3%) flexibility is allowed from this section to Section 8.320

Expense and Equipment

From General Revenue Fund (0101) \$31,243

***SECTION 8.300.** — To the Department of Public Safety

For the State Emergency Management Agency

For Administration and Emergency Operations, provided three percent (3%) flexibility is allowed from this section to Section 8.320

Personal Service.....\$1,371,879

Expense and Equipment..... 203,090

From General Revenue Fund (0101) 1,574,969

Personal Service..... 1,868,242

Expense and Equipment..... 908,165

From State Emergency Management - Federal Fund (0145).....2,776,407

Personal Service..... 369,069

Expense and Equipment..... 27,350

From Missouri Disaster Fund (0663)..... 396,419

Personal Service..... 1,705,039

Expense and Equipment..... 1,059,811

From Department of Health and Senior Services - Federal Fund (0143)2,764,850

Personal Service..... 170,537

Expense and Equipment..... 85,117

From Chemical Emergency Preparedness Fund (0587)..... 255,654

Total (Not to exceed 95.49 F.T.E.) \$7,768,299

*I hereby veto \$1,337, including \$58 general revenue, for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$58 from \$203,090 to \$203,032 from General Revenue Fund.

From \$1,574,969 to \$1,574,911 in total from General Revenue Fund.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Expense and Equipment by \$1,279 from \$908,165 to \$906,886 from State Emergency Management - Federal Fund.

From \$2,776,407 to \$2,775,128 in total from State Emergency Management – Federal Fund.

From \$7,768,299 to \$7,766,962 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 8.305. — To the Department of Public Safety

For the State Emergency Management Agency

For the Missouri Task Force 1

For expenses of Missouri Task Force 1, a division of the Boone County Fire Protection District, when it responds to emergencies and disasters in the State of Missouri and conducts annual training and exercises. These expenses may include, but are not limited to personnel salaries and benefits, supplies, and repair or replacement of damaged equipment, provided three percent (3%) flexibility is allowed from this section to Section 8.320

From General Revenue Fund (0101)	\$125,000
From State Emergency Management Federal Stimulus Fund (2335)	<u>100,000</u>
Total.....	\$225,000

SECTION 8.310. — To the Department of Public Safety

For the State Emergency Management Agency

For the Community Right-to-Know Act

From Chemical Emergency Preparedness Fund (0587).....	\$650,000
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For local emergency planning commissions to implement the federal Hazardous Materials Transportation Uniform Safety Act of 1990

From State Emergency Management - Federal Fund (0145).....	<u>750,000</u>
Total.....	\$1,400,000

SECTION 8.315. — To the Department of Public Safety

For the State Emergency Management Agency

For all allotments, grants, and contributions from federal and other

sources that are deposited in the State Treasury for administrative and training expenses of the State Emergency Management Agency and for first responder training programs, provided three percent (3%) flexibility is allowed from this section to Section 8.320

From State Emergency Management - Federal Fund (0145).....	\$19,262,386
From State Emergency Management Federal Stimulus Fund (2335).....	1,800,000

For all allotments, grants, and contributions from federal and other sources that are deposited in the State Treasury for the use of the State Emergency Management Agency for alleviating distress from disasters

Personal Service.....	59,710
Expense and Equipment.....	1,103,389

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Program Distribution	99,945,000
From Missouri Disaster Fund (0663)	101,108,099
For matching funds for federal grants and for emergency assistance expenses of the State Emergency Management Agency as provided in Section 44.032, RSMo	
From General Revenue Fund (0101)	10,000,000
From State Emergency Management Federal Stimulus Fund (2335)	10,000,000
For expenses relating to flood mitigation, prevention and recovery	
From General Revenue Fund (0101)	4,000,000
For expenses of any state agency responding during a declared emergency at the direction of the governor provided the services furnish immediate aid and relief	
From General Revenue Fund (0101)	3,190,729
From State Emergency Management Federal Stimulus Fund (2335)	1,215,000,000
For alternative care treatment facility staffing expenses	
Personal Service	
From State Emergency Management Federal Stimulus Fund (2335)	35,000,000
Total (Not to exceed 199.50 F.T.E.)	\$1,399,361,214

SECTION 8.320. — To the Department of Public Safety

Funds are to be transferred out of the State Treasury to the State Legal
Expense Fund for the payment of claims, premiums, and expenses as
provided by Section 105.711 through 105.726, RSMo

From General Revenue Fund (0101)

PART 2

SECTION 8.400. — To the Department of Public Safety

In reference to all sections in Part 1 of this act:

No funds shall be spent for any flight on a state aircraft where an elected
official will be on board without a flight plan being made publicly available
via a global aviation data services organization that operates both a website
and mobile application which provides free flight tracking of both private
and commercial aircraft.

Bill Totals

General Revenue Fund	\$77,209,505
Federal Funds	1,500,007,330
Other Funds	458,136,511
Total	\$2,035,353,346

Approved June 30, 2020

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

CCS SCS HS HCS HB 2009

Appropriates money for the expenses, grants, refunds, and distributions of the Department of Corrections

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2020, and ending June 30, 2021.

Be it enacted by the General Assembly of the state of Missouri, as follows:

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, fund transfer, and program described herein for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2020, and ending June 30, 2021, as follows:

***SECTION 9.005.** — To the Department of Corrections

For the Office of the Director, provided ten percent (10%) flexibility is allowed between personal service and expense and equipment, ten percent (10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.285

Personal Service.....	\$4,018,121
Annual salary adjustment in accordance with Section 105.005, RSMo.....	1,967
Expense and Equipment.....	<u>106,102</u>
From General Revenue Fund (0101)	4,126,190

Personal Service.....	70,554
Expense and Equipment.....	<u>1,800</u>
From Inmate Fund (0540).....	72,354

Personal Service.....	36,663
Expense and Equipment.....	<u>532</u>
From Crime Victims' Compensation Fund (0681)	37,195

For Family Support Services

From General Revenue Fund (0101)	384,093
From Department of Corrections - Federal Fund (0130)	<u>71,024</u>
Total (Not to exceed 90.50 F.T.E.)	\$4,690,856

*I hereby veto \$212 general revenue for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$212 from \$106,102 to \$105,890 from General Revenue Fund.
From \$4,126,190 to \$4,125,978 in total from General Revenue Fund.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

From \$4,690,856 to \$4,690,644 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 9.010.** — To the Department of Corrections

For the Office of Professional Standards, provided ten percent (10%) flexibility is allowed between personal service and expense and equipment, ten percent (10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.285

Personal Service.....	\$2,518,964
Expense and Equipment.....	<u>121,310</u>
From General Revenue Fund (0101) (Not to exceed 54.00 F.T.E.)	\$2,640,274

*I hereby veto \$205 general revenue for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$205 from \$121,310 to \$121,105 from General Revenue Fund.
From \$2,640,274 to \$2,640,069 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 9.015. — To the Department of Corrections

For the Office of the Director

For the Offender Reentry Program and to allow the Department to develop a pay for performance agreement with private programs to reduce the rate of recidivism, which would reimburse such program based on a percentage of an amount on which the state benefited, provided three percent (3%) flexibility is allowed from this section to Section 9.285

Expense and Equipment	
From General Revenue Fund (0101)	\$1,800,001

Expense and Equipment	
From Inmate Fund (0540).....	133,060

For a Kansas City Reentry Program

Expense and Equipment	
From General Revenue Fund (0101)	<u>178,000</u>
Total.....	\$2,111,061

***SECTION 9.020.** — To the Department of Corrections

For the Office of the Director

For receiving and expending grants, donations, contracts, and payments from private, federal, and other governmental agencies which may become available between sessions of the General Assembly provided the General Assembly shall be notified of the source of any new funds and the purpose for which they should be expended, in writing, prior to the use of said funds

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Personal Service.....	\$2,493,083
Expense and Equipment.....	<u>2,258,773</u>
From Department of Corrections - Federal Fund (0130)	4,751,856

For contributions, gifts, and grants in support of a foster care dog program to increase the adoptability of shelter animals and train service dogs for the disabled

From State Institutions Gift Trust Fund (0925).....	<u>75,000</u>
Total (Not to exceed 43.00 F.T.E.)	\$4,826,856

*I hereby veto \$92 Department of Corrections – Federal Fund for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$92 from \$2,258,773 to \$2,258,681 from Department of Corrections – Federal Fund.

From \$4,751,856 to \$4,751,764 in total from Department of Corrections – Federal Fund.

From \$4,826,856 to \$4,826,764 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 9.025. — To the Department of Corrections

For the Office of the Director

For Justice Reinvestment services, provided three percent (3%) flexibility is allowed from this section to Section 9.285

From General Revenue Fund (0101)	\$6,000,000
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SECTION 9.030. — To the Department of Corrections

For the Office of the Director

For costs associated with increased offender population department-wide including, but not limited to, funding for personal service, expense and equipment, contractual services, repairs, renovations, capital improvements, and compensatory time, provided thirty percent (30%) flexibility is allowed between personal service and expense and equipment, ten percent (10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.285

Personal Service.....	\$446,683
Expense and Equipment.....	<u>935,418</u>
From General Revenue Fund (0101)	\$1,382,101

SECTION 9.035. — To the Department of Corrections

For the Office of the Director

For restitution payments for those wrongly convicted, provided three percent (3%) flexibility is allowed from this section to Section 9.285

From General Revenue Fund (0101)	\$37,595
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EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 9.040. — To the Department of Corrections

For the Division of Human Services

For telecommunications department-wide, provided ten percent (10%)

flexibility is allowed between sections and provided three percent (3%)

flexibility is allowed from this section to Section 9.285

Expense and Equipment

From General Revenue Fund (0101)\$1,860,529

***SECTION 9.045.** — To the Department of Corrections

For the Division of Human Services, provided ten percent (10%) flexibility is

allowed between personal service and expense and equipment, ten percent

(10%) flexibility is allowed between sections and three percent (3%)

flexibility is allowed from this section to Section 9.285

Personal Service.....\$7,898,677

Expense and Equipment..... 122,380

From General Revenue Fund (0101) (Not to exceed 199.02 F.T.E.).....\$8,021,057

*I hereby veto \$190 general revenue for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$190 from \$122,380 to \$122,190 from General Revenue Fund.

From \$8,021,057 to \$8,020,867 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 9.050. — To the Department of Corrections

For the Division of Human Services

For general services, provided ten percent (10%) flexibility is allowed between

sections and provided three percent (3%) flexibility is allowed from this

section to Section 9.285

Expense and Equipment

From General Revenue Fund (0101)\$414,882

SECTION 9.055. — To the Department of Corrections

For the Division of Human Services

For the operation of institutional facilities, utilities, systems furniture and

structural modifications, provided ten percent (10%) flexibility is allowed

between sections and provided three percent (3%) flexibility is allowed from

this section to Section 9.285

Expense and Equipment

From General Revenue Fund (0101)\$26,881,365

From Working Capital Revolving Fund (0510)..... 1,425,607

Total.....\$28,306,972

SECTION 9.060. — To the Department of Corrections

For the Division of Human Services

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For the purchase, transportation, and storage of food and food service items, and operational expenses of food preparation facilities at all correctional institutions, provided ten percent (10%) flexibility is allowed between sections and provided three percent (3%) flexibility is allowed from this section to Section 9.285

Expense and Equipment

From General Revenue Fund (0101)\$31,183,488

***SECTION 9.065.** — To the Department of Corrections

For the Division of Human Services

For training costs department-wide, provided ten percent (10%) flexibility is allowed between sections and provided three percent (3%) flexibility is allowed from this section to Section 9.285

Expense and Equipment

From General Revenue Fund (0101)\$675,101

*I hereby veto \$96 general revenue for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$96 from \$675,101 to \$675,005 from General Revenue Fund.

From \$675,101 to \$675,005 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 9.070.** — To the Department of Corrections

For the Division of Human Services

For employee health and safety, provided ten percent (10%) flexibility is allowed between sections and provided three percent (3%) flexibility is allowed from this section to Section 9.285

Expense and Equipment

From General Revenue Fund (0101)\$582,511

*I hereby veto \$1,188 general revenue for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$1,188 from \$582,511 to \$581,323 from General Revenue Fund.

From \$582,511 to \$581,323 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 9.075. — To the Department of Corrections

For the Division of Human Services

For overtime to state employees. Nonexempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees, provided ten percent (10%) flexibility is allowed between sections and provided three percent (3%) flexibility is allowed from this section to Section 9.285

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Personal Service	
From General Revenue Fund (0101)	\$6,316,696
From Inmate Canteen Fund (0405).....	50,000
From Working Capital Revolving Fund (0510).....	50,000
Total.....	\$6,416,696

SECTION 9.080. — To the Department of Corrections

For the Division of Human Services

For a retention pay plan for department employees, provided one-hundred percent (100%) flexibility is allowed into this section, zero percent (0%) flexibility is allowed out of this section and three percent (3%) flexibility is allowed from this section to Section 9.285

From General Revenue Fund (0101)	\$17,496,034
From Department of Corrections - Federal Fund (0130)	62,760
From Inmate Canteen Fund (0405).....	216,244
From Working Capital Revolving Fund (0510).....	301,294
From Inmate Fund (0540).....	386
From Crime Victims' Compensation Fund (0681)	154
Total.....	\$18,076,872

***SECTION 9.082.** — To the Department of Corrections

For the Division of Human Services

For paying a pandemic stipend to state employees providing direct care and support to institutionalized individuals during the COVID-19 public health emergency

Personal Service

From Department of Corrections Federal Stimulus Fund (2340).....	\$11,578,485
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*I hereby veto \$2,512 general revenue for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

For expenses and small equipment purchased at any of the adult institutions department-wide.

By \$2,512 from \$21,557,714 to \$21,555,202 from General Revenue Fund.

From \$24,507,714 to \$24,505,202 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 9.085. — To the Department of Corrections

For the Division of Adult Institutions

For expenses and small equipment purchased at any of the adult institutions department-wide, provided ten percent (10%) flexibility is allowed between sections and provided three percent (3%) flexibility is allowed from this section to Section 9.285

From General Revenue Fund (0101)	\$21,557,714
From Inmate Incarceration Reimbursement Act Revolving Fund (0828).....	750,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For Vehicle Purchases
 From Volkswagen Environmental Mitigation Trust Proceeds Fund (0268) 1,000,000

For expenses related to offender education, recreation, and/or religious services
 From Inmate Canteen Fund (0405)..... 1,200,000
 Total..... \$24,507,714

***SECTION 9.090.** — To the Department of Corrections

For the Division of Adult Institutions, provided ten percent (10%) flexibility is allowed between personal service and expense and equipment, ten percent (10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.285

Personal Service..... \$3,337,107
 Expense and Equipment..... 131,573
 From General Revenue Fund (0101) (Not to exceed 72.91 F.T.E.) \$3,468,680

*I hereby veto \$315 general revenue for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$315 from \$131,573 to \$131,258 from General Revenue Fund.
 From \$3,468,680 to \$3,468,365 in total for the section.

MICHAEL L. PARSON
 GOVERNOR

SECTION 9.095. — To the Department of Corrections

For the Division of Adult Institutions

For inmate wage and discharge costs at all correctional facilities, provided ten percent (10%) flexibility is allowed between sections and provided three percent (3%) flexibility is allowed from this section to Section 9.285

Expense and Equipment
 From General Revenue Fund (0101) \$3,259,031
 From Inmate Canteen Fund (0405)..... 800,000
 Total..... \$4,059,031

SECTION 9.100. — To the Department of Corrections

For the Division of Adult Institutions

For the Jefferson City Correctional Center, provided ten percent (10%) flexibility is allowed between institutions and Sections 9.030 and 9.080 and three percent (3%) flexibility is allowed from this section to Section 9.285

Personal Service
 From General Revenue Fund (0101) \$18,400,685
 From Working Capital Revolving Fund (0510)..... 128,200
 From Inmate Canteen Fund (0405)..... 66,168
 Total (Not to exceed 527.00 F.T.E.) \$18,595,053

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
 Matter in bold-face type is proposed language.

SECTION 9.105. — To the Department of Corrections

For the Division of Adult Institutions

For the Women's Eastern Reception, Diagnostic and Correctional Center at Vandalia, provided ten percent (10%) flexibility is allowed between institutions and Sections 9.030 and 9.080 and three percent (3%) flexibility is allowed from this section to Section 9.285

Personal Service

From General Revenue Fund (0101)	\$14,934,765
From Working Capital Revolving Fund (0510).....	31,873
From Inmate Canteen Fund (0405).....	<u>67,764</u>
Total (Not to exceed 433.00 F.T.E.)	\$15,034,402

SECTION 9.110. — To the Department of Corrections

For the Division of Adult Institutions

For the Ozark Correctional Center at Fordland, provided ten percent (10%) flexibility is allowed between institutions and Sections 9.030 and 9.080 and three percent (3%) flexibility is allowed from this section to Section 9.285

Personal Service

From General Revenue Fund (0101)	\$6,001,882
From Inmate Canteen Fund (0405).....	<u>72,074</u>
Total (Not to exceed 165.00 F.T.E.)	\$6,073,956

SECTION 9.115. — To the Department of Corrections

For the Division of Adult Institutions

For the Moberly Correctional Center, provided ten percent (10%) flexibility is allowed between institutions and Sections 9.030 and 9.080 and three percent (3%) flexibility is allowed from this section to Section 9.285

Personal Service

From General Revenue Fund (0101)	\$13,880,061
From Working Capital Revolving Fund (0510).....	63,746
From Inmate Canteen Fund (0405).....	<u>69,044</u>
Total (Not to exceed 387.00 F.T.E.)	\$14,012,851

SECTION 9.120. — To the Department of Corrections

For the Division of Adult Institutions

For the Algoa Correctional Center at Jefferson City, provided ten percent (10%) flexibility is allowed between institutions and Sections 9.030 and 9.080 and three percent (3%) flexibility is allowed from this section to Section 9.285

Personal Service

From General Revenue Fund (0101)	\$10,319,798
From Inmate Canteen Fund (0405).....	<u>65,562</u>
Total (Not to exceed 289.00 F.T.E.)	\$10,385,360

SECTION 9.125. — To the Department of Corrections

For the Division of Adult Institutions

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For the Missouri Eastern Correctional Center at Pacific, provided ten percent (10%) flexibility is allowed between institutions and Sections 9.030 and 9.080 and three percent (3%) flexibility is allowed from this section to Section 9.285

Personal Service

From General Revenue Fund (0101)	\$11,611,482
From Inmate Canteen Fund (0405).....	<u>66,121</u>
Total (Not to exceed 329.00 F.T.E.)	\$11,677,603

SECTION 9.130. — To the Department of Corrections

For the Division of Adult Institutions

For the Chillicothe Correctional Center, provided ten percent (10%) flexibility is allowed between institutions and Sections 9.030 and 9.080 and three percent (3%) flexibility is allowed from this section to Section 9.285

Personal Service

From General Revenue Fund (0101)	\$14,957,903
From Working Capital Revolving Fund (0510).....	31,873
From Inmate Canteen Fund (0405).....	<u>67,580</u>
Total (Not to exceed 447.02 F.T.E.)	\$15,057,356

SECTION 9.135. — To the Department of Corrections

For the Division of Adult Institutions

For the Boonville Correctional Center, provided ten percent (10%) flexibility is allowed between institutions and Sections 9.030 and 9.080 and three percent (3%) flexibility is allowed from this section to Section 9.285

Personal Service

From General Revenue Fund (0101)	\$9,686,370
From Inmate Canteen Fund (0405).....	<u>67,871</u>
Total (Not to exceed 267.00 F.T.E.)	\$9,754,241

SECTION 9.140. — To the Department of Corrections

For the Division of Adult Institutions

For the Farmington Correctional Center, provided ten percent (10%) flexibility is allowed between institutions and Sections 9.030 and 9.080 and three percent (3%) flexibility is allowed from this section to Section 9.285

Personal Service

From General Revenue Fund (0101)	\$19,897,860
From Working Capital Revolving Fund (0510).....	384,598
From Inmate Canteen Fund (0405).....	<u>71,108</u>
Total (Not to exceed 559.00 F.T.E.)	\$20,353,566

SECTION 9.145. — To the Department of Corrections

For the Division of Adult Institutions

For the Western Missouri Correctional Center at Cameron, provided ten percent (10%) flexibility is allowed between institutions and Sections 9.030 and

9.080 and three percent (3%) flexibility is allowed from this section to
Section 9.285

Personal Service

From General Revenue Fund (0101)	\$16,814,146
From Inmate Canteen Fund (0405).....	<u>69,878</u>
Total (Not to exceed 484.00 F.T.E.)	\$16,884,024

SECTION 9.150. — To the Department of Corrections

For the Division of Adult Institutions

For the Potosi Correctional Center, provided ten percent (10%) flexibility is
allowed between institutions and Sections 9.030 and 9.080 and three percent
(3%) flexibility is allowed from this section to Section 9.285

Personal Service

From General Revenue Fund (0101)	\$11,975,624
From Working Capital Revolving Fund (0510).....	31,873
From Inmate Canteen Fund (0405).....	<u>35,737</u>
Total (Not to exceed 334.00 F.T.E.)	\$12,043,234

SECTION 9.155. — To the Department of Corrections

For the Division of Adult Institutions

For the Fulton Reception and Diagnostic Center, provided ten percent (10%)
flexibility is allowed between institutions and Sections 9.030 and 9.080 and
three percent (3%) flexibility is allowed from this section to Section 9.285

Personal Service

From General Revenue Fund (0101)	\$14,905,686
From Inmate Canteen Fund (0405).....	<u>66,408</u>
Total (Not to exceed 427.00 F.T.E.)	\$14,972,094

SECTION 9.160. — To the Department of Corrections

For the Division of Adult Institutions

For the Tipton Correctional Center, provided ten percent (10%) flexibility is
allowed between institutions and Sections 9.030 and 9.080 and three percent
(3%) flexibility is allowed from this section to Section 9.285

Personal Service

From General Revenue Fund (0101)	\$9,864,076
From Working Capital Revolving Fund (0510).....	31,873
From Inmate Canteen Fund (0405).....	<u>69,104</u>
Total (Not to exceed 272.00 F.T.E.)	\$9,965,053

SECTION 9.165. — To the Department of Corrections

For the Division of Adult Institutions

For the Western Reception, Diagnostic and Correctional Center at St. Joseph,
provided ten percent (10%) flexibility is allowed between institutions and
Sections 9.030 and 9.080 and three percent (3%) flexibility is allowed from
this section to Section 9.285

Personal Service	
From General Revenue Fund (0101)	\$17,552,140
From Inmate Canteen Fund (0405).....	<u>67,389</u>
Total (Not to exceed 507.00 F.T.E.)	\$17,619,529

SECTION 9.170. — To the Department of Corrections

For the Division of Adult Institutions

For the Maryville Treatment Center, provided ten percent (10%) flexibility is allowed between institutions and Sections 9.030 and 9.080 and three percent (3%) flexibility is allowed from this section to Section 9.285

Personal Service	
From General Revenue Fund (0101)	\$6,453,237
From Inmate Canteen Fund (0405).....	<u>31,114</u>
Total (Not to exceed 177.58 F.T.E.)	\$6,484,351

SECTION 9.175. — To the Department of Corrections

For the Division of Adult Institutions

For the Crossroads Correctional Center at Cameron, provided ten percent (10%) flexibility is allowed between institutions and Sections 9.030 and 9.080 and three percent (3%) flexibility is allowed from this section to Section 9.285

Personal Service	
From General Revenue Fund (0101)	\$396,742
From Working Capital Revolving Fund (0510).....	<u>32,227</u>
Total (Not to exceed 12.00 F.T.E.)	\$428,969

SECTION 9.180. — To the Department of Corrections

For the Division of Adult Institutions

For the Northeast Correctional Center at Bowling Green, provided ten percent (10%) flexibility is allowed between institutions and Sections 9.030 and 9.080 and three percent (3%) flexibility is allowed from this section to Section 9.285

Personal Service	
From General Revenue Fund (0101)	\$18,152,412
From Inmate Canteen Fund (0405).....	<u>67,061</u>
Total (Not to exceed 526.00 F.T.E.)	\$18,219,473

SECTION 9.185. — To the Department of Corrections

For the Division of Adult Institutions

For the Eastern Reception, Diagnostic and Correctional Center at Bonne Terre, provided ten percent (10%) flexibility is allowed between institutions and Sections 9.030 and 9.080 and three percent (3%) flexibility is allowed from this section to Section 9.285

Personal Service	
From General Revenue Fund (0101)	\$20,787,425
From Working Capital Revolving Fund (0510).....	<u>31,873</u>
From Inmate Canteen Fund (0405).....	<u>66,262</u>
Total (Not to exceed 608.00 F.T.E.)	\$20,885,560

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 9.190. — To the Department of Corrections

For the Division of Adult Institutions

For the South Central Correctional Center at Licking, provided ten percent (10%) flexibility is allowed between institutions and Sections 9.030 and 9.080 and three percent (3%) flexibility is allowed from this section to Section 9.285

Personal Service

From General Revenue Fund (0101)	\$14,289,581
From Working Capital Revolving Fund (0510).....	63,746
From Inmate Canteen Fund (0405).....	66,204
Total (Not to exceed 412.00 F.T.E.)	\$14,419,531

SECTION 9.195. — To the Department of Corrections

For the Division of Adult Institutions

For the Southeast Correctional Center at Charleston, provided ten percent (10%) flexibility is allowed between institutions and Sections 9.030 and 9.080 and three percent (3%) flexibility is allowed from this section to Section 9.285

Personal Service

From General Revenue Fund (0101)	\$14,051,707
From Working Capital Revolving Fund (0510).....	63,746
From Inmate Canteen Fund (0405).....	65,994
Total (Not to exceed 408.00 F.T.E.)	\$14,181,447

SECTION 9.200. — To the Department of Corrections

For the Division of Adult Institutions

For the Kansas City Reentry Center, provided ten percent (10%) flexibility is allowed between institutions and Sections 9.030 and 9.080 and three percent (3%) flexibility is allowed from this section to Section 9.285

Personal Service

From General Revenue Fund (0101)	\$3,783,609
From Inmate Canteen Fund (0405).....	34,844
From Inmate Fund (0540).....	52,591
Total (Not to exceed 109.18 F.T.E.)	\$3,871,044

***SECTION 9.205.** — To the Department of Corrections

For the Division of Offender Rehabilitative Services, provided ten percent (10%) flexibility is allowed between personal service and expense and equipment, ten percent (10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.285

Personal Service.....\$1,423,401

Expense and Equipment.....48,166

From General Revenue Fund (0101) (Not to exceed 24.15 F.T.E.)\$1,471,567

*I hereby veto \$52 general revenue for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Expense and Equipment by \$52 from \$48,166 to \$48,114 from General Revenue Fund.
From \$1,471,567 to \$1,471,515 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 9.210. — To the Department of Corrections
For the Division of Offender Rehabilitative Services
For contractual services for offender physical and mental health care, provided
ten percent (10%) flexibility is allowed between sections and provided three
percent (3%) flexibility is allowed from this section to Section 9.285
Expense and Equipment
From General Revenue Fund (0101)\$152,792,694

SECTION 9.215. — To the Department of Corrections
For the Division of Offender Rehabilitative Services
For medical equipment, provided ten percent (10%) flexibility is allowed
between sections and provided three percent (3%) flexibility is allowed from
this section to Section 9.285
Expense and Equipment
From General Revenue Fund (0101)\$299,087

***SECTION 9.220.** — To the Department of Corrections
For the Division of Offender Rehabilitative Services
For substance use and recovery services, provided ten percent (10%) flexibility
is allowed between personal service and expense and equipment, ten percent
(10%) flexibility is allowed between sections and three percent (3%)
flexibility is allowed from this section to Section 9.285
Personal Service.....\$4,060,551
Expense and Equipment.....4,749,581
From General Revenue Fund (0101)8,810,132

Expense and Equipment
From Correctional Substance Abuse Earnings Fund (0853)40,000
Total (Not to exceed 109.00 F.T.E.)\$8,850,132

*I hereby veto \$30 general revenue for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$30 from \$4,749,581 to \$4,749,551 from General Revenue Fund.
From \$8,810,132 to \$8,810,102 in total from General Revenue Fund.
From \$8,850,132 to \$8,850,102 in total for the section.

MICHAEL L. PARSON
GOVERNOR

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

***SECTION 9.225.** — To the Department of Corrections

For the Division of Offender Rehabilitative Services

For toxicology testing, provided ten percent (10%) flexibility is allowed between sections and provided three percent (3%) flexibility is allowed from this section to Section 9.285

Expense and Equipment

From General Revenue Fund (0101)\$517,145

*I hereby veto \$10 general revenue for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$10 from \$517,145 to \$517,135 from General Revenue Fund.

From 517,145 to \$517,135 in total for the section

MICHAEL L. PARSON
GOVERNOR

SECTION 9.230. — To the Department of Corrections

For the Division of Offender Rehabilitative Services

For offender education, provided ten percent (10%) flexibility is allowed between sections and provided three percent (3%) flexibility is allowed from this section to Section 9.285

Personal Service

From General Revenue Fund (0101)\$5,951,488

Personal Service.....2,375,567

Expense and Equipment.....1,600,000

From Inmate Canteen Fund (0405).....3,975,567

Total (Not to exceed 209.00 F.T.E.)\$9,927,055

***SECTION 9.235.** — To the Department of Corrections

For the Division of Offender Rehabilitative Services

For Missouri Correctional Enterprises, provided ten percent (10%) flexibility is allowed between personal service and expense and equipment

Personal Service.....\$6,698,856

Expense and Equipment.....19,300,318

For an enterprise resource planning system.....500,000

From Working Capital Revolving Fund (0510) (Not to exceed

197.88 F.T.E.)\$26,499,174

*I hereby veto \$159 Working Capital Revolving Fund for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Expense and Equipment by \$159 from \$19,300,318 to \$19,300,159 from Working Capital Revolving Fund.

From \$26,499,174 to \$26,499,015 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 9.240.** — To the Department of Corrections

For the Division of Probation and Parole, provided ten percent (10%) flexibility

is allowed between personal service and expense and equipment, ten percent

(10%) flexibility is allowed between sections and three percent (3%)

flexibility is allowed from this section to Section 9.285

Personal Service.....\$66,579,327

Expense and Equipment..... 3,355,529

From General Revenue Fund (0101)69,934,856

Expense and Equipment

From Inmate Fund (0540)..... 1,936,924

For transfers and refunds set-off against debts as required by Section 143.786,

RSMo

From Debt Offset Escrow Fund (0753)..... 2,600,000

Total (Not to exceed 1,689.31 F.T.E.)\$74,471,780

*I hereby veto \$65,954 general revenue for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$65,954 from \$3,355,529 to \$3,289,575 from General Revenue Fund.

From \$69,934,856 to \$69,868,902 in total from General Revenue Fund.

From \$74,471,780 to \$74,405,826 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 9.245. — To the Department of Corrections

For the Division of Probation and Parole

For the Transition Center of St. Louis, provided ten percent (10%) flexibility is

allowed between sections and provided three percent (3%) flexibility is

allowed from this section to Section 9.285

Personal Service

From General Revenue Fund (0101) (Not to exceed 125.36 F.T.E.).....\$4,597,197

SECTION 9.250. — To the Department of Corrections

For the Division of Probation and Parole

For the Command Center, provided ten percent (10%) flexibility is allowed

between sections and provided three percent (3%) flexibility is allowed from

this section to Section 9.285

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Personal Service.....	\$648,200
Expense and Equipment.....	<u>4,900</u>
From General Revenue Fund (0101) (Not to exceed 16.40 F.T.E.).....	\$653,100

SECTION 9.255. — To the Department of Corrections

For the Division of Probation and Parole

For residential treatment facilities

Expense and Equipment

From Inmate Fund (0540).....	\$4,298,240
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SECTION 9.260. — To the Department of Corrections

For the Division of Probation and Parole

For electronic monitoring

Expense and Equipment

From Inmate Fund (0540).....	\$1,780,289
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***SECTION 9.265.** — To the Department of Corrections

For the Division of Probation and Parole

For community supervision centers, provided ten percent (10%) flexibility is allowed between personal service and expense and equipment, ten percent (10%) flexibility is allowed between sections and three percent (3%) flexibility is allowed from this section to Section 9.285

Personal Service.....\$4,517,317

Expense and Equipment.....436,345

From General Revenue Fund (0101) (Not to exceed 131.42 F.T.E.).....	\$4,953,662
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*I hereby veto \$5,645 general revenue for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$5,645 from \$436,345 to \$430,700 from General Revenue Fund.

From \$4,953,662 to \$4,948,017 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 9.270. — To the Department of Corrections

For the Division of Probation and Parole

For Parole Board Operations, provided three percent (3%) flexibility is allowed from this section to Section 9.285

Personal Service.....\$1,760,860

Annual salary adjustment in accordance with Section 105.005,

RSMo.....9,623

From General Revenue Fund (0101) (Not to exceed 38.00 F.T.E.).....	\$1,770,483
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SECTION 9.275. — To the Department of Corrections

For paying an amount in aid to the counties that is the net amount of costs in criminal cases, transportation of convicted criminals to the state

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

penitentiaries, housing, costs for reimbursement of the expenses associated with extradition, less the amount of unpaid city or county liability to furnish public defender office space and utility services pursuant to Section 600.040, RSMo, provided ten percent (10%) flexibility is allowed between reimbursements to county jails, certificates of delivery and extradition payments

For Reimbursements to County Jails	\$38,530,272
For Certificates of Delivery	1,900,000
For Extradition Payments	1,900,000

For the payment of bill of cost requests received by the department prior to July 1, 2020, provided payments are prorated based on each county's percent of the total unpaid balance as of July 1, 2020

From General Revenue Fund (0101)	9,750,676
Total.....	\$52,080,948

SECTION 9.280. — To the Department of Corrections

For operating department institutional canteens for offender use and benefit. Per Section 217.195, RSMo, fund expenditures are solely to improve offender recreational, religious, or educational services, and for canteen cash flow and operating expenses

Expense and Equipment	
From Inmate Canteen Fund (0405).....	\$29,813,375

SECTION 9.285. — To the Department of Corrections

Funds are to be transferred out of the State Treasury to the State Legal Expense Fund for the payment of claims, premiums, and expenses as provided by Section 105.711 through 105.726, RSMo

From General Revenue Fund (0101)	\$1
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Bill Totals

General Revenue Fund.....	\$710,814,893
Federal Funds.....	16,464,125
Other Funds.....	76,656,369
Total.....	\$803,935,387

Approved June 30, 2020

CCS SCS HS HCS HB 2010

Appropriates money for the expenses, grants, refunds, and distributions of the Department of Mental Health and the Department of Health and Senior Services

AN ACT to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Department of Health and Senior Services, and the several

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

divisions and programs thereof, and the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2020 and ending June 30, 2021.

Be it enacted by the General Assembly of the state of Missouri, as follows:

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri for the purpose of funding each department, division, agency, fund transfer, and program described herein for the item or items stated, and for no other purpose whatsoever, chargeable to the fund designated for the period beginning July 1, 2020 and ending June 30, 2021, as follows:

PART 1

SECTION 10.000. Each appropriation in this act shall consist of the item or items in each section of Part 1 of this act, for the amount and purpose and from the fund designated in each section of Part 1, as well as all additional clarifications of purpose in Part 2 of this act that make reference by section to said item or items in Part 1. Any clarification of purpose in Part 2 shall state the section or sections in Part 1 to which it attaches and shall, together with the language of said section(s) in Part 1, form the complete statement of purpose of the appropriation. As such, the provisions of Part 2 of this act shall not be severed from Part 1, and if any clarification of purpose in Part 2 is for any reason held to be invalid, such decision shall invalidate all of the appropriations in this act of which said clarification of purpose is a part. Part 3 of this act shall consist of guidance to the Department of Mental Health and the Department of Health and Senior Services in implementing the appropriations found in Part 1 and Part 2 of this act.

***SECTION 10.005.** — To the Department of Mental Health
For the Office of the Director, provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service.....	\$461,281
Expense and Equipment.....	10,148
From General Revenue Fund (0101).....	471,429
Personal Service.....	80,828
Expense and Equipment.....	53,109
From Department of Mental Health Federal Fund (0148).....	133,937
Total (Not to exceed 7.82 F.T.E.).....	\$605,366

*I hereby veto \$945, including \$397 general revenue, for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Expense and Equipment by \$397 from \$10,148 to \$9,751 from General Revenue Fund.
From \$471,429 to \$471,032 in total from General Revenue Fund.

Expense and Equipment by \$548 from \$53,109 to \$52,561 from Department of Mental Health Federal Fund.

From \$133,937 to \$133,389 in total from Department of Mental Health Federal Fund.

From \$605,366 to \$604,421 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 10.010. — To the Department of Mental Health

For the Office of the Director

For paying overtime to state employees. Nonexempt state employees identified
by Section 105.935, RSMo, will be paid first with any remaining funds being
used to pay overtime to any other state employees

Personal Service

From General Revenue Fund (0101) \$1,145,729

SECTION 10.011. — To the Department of Mental Health

For the Office of the Director

For paying a pandemic stipend to state employees providing direct care and
support to institutionalized individuals during the COVID-19 public health
emergency

From Department of Mental Health Federal Stimulus Fund (2345) \$8,175,000

***SECTION 10.015.** — To the Department of Mental Health

For the Office of the Director

For program operations and support, provided that three percent (3%) flexibility
is allowed from this section to Section 10.575

Personal Service..... \$4,963,340

Expense and Equipment..... 356,784

From General Revenue Fund (0101) 5,320,124

Personal Service..... 1,019,972

Expense and Equipment..... 828,340

From Department of Mental Health Federal Fund (0148) 1,848,312

Total (Not to exceed 121.05 F.T.E.) \$7,168,436

*I hereby veto \$4,654, including \$899 general revenue, for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$899 from \$356,784 to \$355,885 from General Revenue Fund.

From \$5,320,124 to \$5,319,225 in total from General Revenue Fund.

Expense and Equipment by \$3,755 from \$828,340 to \$824,585 from Department of Mental Health Federal Fund.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

From \$1,848,312 to \$1,844,557 in total from Department of Mental Health Federal Fund.

From \$7,168,436 to \$7,163,782 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 10.017. — To the Department of Mental Health
For the Office of the Director

For the COVID-19 Crisis Counseling Program, provided that a portion of funds shall be used to provide services to residents of a county with a charter form of government and with more than nine hundred fifty thousand inhabitants who have been disproportionately impacted by the coronavirus as indicated by state data, including zip code data and racial demographic data

Personal Service.....	\$636,796
Expense and Equipment.....	19,363,204

For the Emergency COVID-19 Directed Treatment Services Program

Expense and Equipment.....	<u>2,000,000</u>
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From Department of Mental Health Federal Stimulus Fund (2345)
(Not to exceed 13.00 F.T.E.).....\$22,000,000

***SECTION 10.020.** — To the Department of Mental Health

For the Office of the Director

For staff training, provided that ten percent (10%) flexibility is allowed from personal service to expense and equipment and that three percent (3%) flexibility is allowed from this section to Section 10.575

Expense and Equipment	
From General Revenue Fund (0101)	\$357,925
Personal Service.....	189,407
Expense and Equipment.....	<u>290,004</u>
From Department of Mental Health Federal Fund (0148).....	479,411

For the Caring for Missourians' Mental Health Initiative, provided that fifteen percent (15%) flexibility is allowed from personal service to expense and equipment

Personal Service.....	6,000
Expense and Equipment.....	<u>951,705</u>
From Department of Mental Health Federal Fund (0148).....	<u>957,705</u>
Total.....	\$1,795,041

*I hereby veto \$467, including \$215 general revenue, for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

For staff training.

Expense and Equipment by \$215 from \$357,925 to \$357,710 from General Revenue Fund.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Expense and Equipment by \$252 from \$290,004 to \$289,752 from Department of Mental Health Federal Fund.

From \$479,411 to \$479,159 in total from Department of Mental Health Federal Fund.

From \$1,795,041 to \$1,794,574 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 10.025. — To the Department of Mental Health

For the Office of the Director

For funding insurance, private pay, licensure fee, and/or Medicaid refunds by
state facilities operated by the Department of Mental Health

From General Revenue Fund (0101) \$205,000

For refunds

From Department of Mental Health Federal Fund (0148) 250,000

From Mental Health Interagency Payments Fund (0109) 100

From Mental Health Intergovernmental Transfer Fund (0147) 100

From Compulsive Gamblers Fund (0249) 100

From Health Initiatives Fund (0275) 100

From Mental Health Earnings Fund (0288) 50,000

From Inmate Fund (0540) 100

From Mental Health Trust Fund (0926) 25,000

From DMH Local Tax Matching Fund (0930) 150,000

From Habilitation Center Room and Board Fund (0435) 10,000

For the transfer payment of refunds set off against debts as required by Section
143.786, RSMo

From Debt Offset Escrow Fund (0753) 25,000

Total \$715,500

SECTION 10.030. — To the Department of Mental Health

Funds are to be transferred out of the State Treasury to the Mental Health
Trust Fund

From Abandoned Fund Account (0863) \$100,000

SECTION 10.035. — To the Department of Mental Health

For the Office of the Director

For receipt and disbursement of donations and gifts which may become
available to the Department of Mental Health during the year (excluding
federal grants and funds)

Personal Service \$472,338

Expense and Equipment 1,925,000

From Mental Health Trust Fund (0926) (Not to exceed 7.50 F.T.E.) \$2,397,338

***SECTION 10.040.** — To the Department of Mental Health

For the Office of the Director

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For receiving and expending grants, donations, contracts, and payments from private, federal, and other governmental agencies which may become available between sessions of the General Assembly provided that the General Assembly shall be notified of the source of any new funds and the purpose for which they shall be expended, in writing, prior to the use of said funds

Personal Service.....	\$124,874
Expense and Equipment.....	<u>2,462,130</u>
From Department of Mental Health Federal Fund (0148) (Not to exceed 2.00 F.T.E.).....	\$2,587,004

*I hereby veto \$201 Department of Mental Health Federal Fund for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$201 from \$2,462,130 to \$2,461,929 from Department of Mental Health Federal Fund.

From \$2,578,004 to \$2,586,803 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 10.045. — To the Department of Mental Health

For the Office of the Director

For housing assistance for homeless veterans, provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Expense and Equipment	
From General Revenue Fund (0101)	\$255,000
From Department of Mental Health Federal Fund (0148)	<u>1,000,000</u>

For Shelter Plus Care grants

Expense and Equipment	
From Department of Mental Health Federal Fund (0148)	<u>14,336,746</u>
Total	\$15,591,746

SECTION 10.050. — To the Department of Mental Health

For Medicaid payments related to intergovernmental payments

From Department of Mental Health Federal Fund (0148)	\$11,900,000
From Mental Health Intergovernmental Transfer Fund (0147)	<u>6,600,000</u>
Total	\$18,500,000

SECTION 10.055. — To the Department of Mental Health

Funds are to be transferred out of the State Treasury to the Department of Social Services Intergovernmental Transfer Fund for providing the state match for the Department of Mental Health payments

From General Revenue Fund (0101)	\$283,849,564
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EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 10.060. — To the Department of Mental Health

Funds are to be transferred out of the State Treasury to the General Revenue

Fund for supporting the Department of Mental Health

From Department of Mental Health Federal Fund (0148)\$44,555,858

SECTION 10.065. — To the Department of Mental Health

Funds are to be transferred out of the State Treasury to the General Revenue

Fund to provide the state match for the Department of Mental Health
payments

From Department of Mental Health Federal Fund (0148)\$201,393,308

SECTION 10.070. — To the Department of Mental Health

Funds are to be transferred out of the State Treasury to the General Revenue

Fund for Disproportionate Share Hospital funds leveraged by the
Department of Mental Health - Institution of Mental Disease facilities

From Department of Mental Health Federal Fund (0148)\$50,000,000

***SECTION 10.100.** — To the Department of Mental Health

For the Division of Behavioral Health

For the administration of statewide comprehensive alcohol and drug abuse
prevention and treatment programs, provided that three percent (3%)
flexibility is allowed from this section to Section 10.575

Personal Service.....\$934,734

Expense and Equipment.....22,287

From General Revenue Fund (0101)957,021

Personal Service.....975,588

Expense and Equipment.....1,548,491

From Department of Mental Health Federal Fund (0148)2,524,079

Personal Service

From Health Initiatives Fund (0275).....50,035

Total (Not to exceed 32.82 F.T.E.)\$3,531,135

*I hereby veto \$1,305, including \$779 general revenue, for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$779 from \$22,287 to \$21,508 from General Revenue Fund.

From \$957,021 to \$956,242 in total from General Revenue Fund.

Expense and Equipment by \$526 from \$1,548,491 to \$1,547,965 from Department of Mental
Health Federal Fund.

From \$2,524,079 to \$2,523,553 in total from Department of Mental Health Federal Fund.

From \$3,531,135 to \$3,529,830 in total for the section.

MICHAEL L. PARSON
GOVERNOR

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

*SECTION 10.105. — To the Department of Mental Health	
For the Division of Behavioral Health	
For prevention and education services, provided that three percent (3%) flexibility is allowed from this section to Section 10.575	
Expense and Equipment	
From Department of Mental Health Federal Fund (0148).....	\$11,713,200
Personal Service.....	42,526
Expense and Equipment.....	<u>300,000</u>
From General Revenue Fund (0101)	342,526
Personal Service.....	155,232
Expense and Equipment.....	<u>195,336</u>
From Department of Mental Health Federal Fund (0148).....	350,568
For tobacco retailer education	
The Division of Behavioral Health shall be allowed to use persons under the age of eighteen (18) for the purpose of tobacco retailer education in support of Synar requirements under the federal substance abuse prevention and treatment block grant	
Expense and Equipment	
From Department of Mental Health Federal Fund (0148).....	90,194
For enabling enforcement of the provisions of the Family Smoking Prevention and Tobacco Control Act of 2009, in collaboration with the Department of Public Safety, Division of Alcohol and Tobacco Control	
Personal Service.....	338,402
Expense and Equipment.....	<u>168,941</u>
From Department of Mental Health Federal Fund (0148).....	507,343
For Community 2000 Team programs	
Expense and Equipment	
From General Revenue Fund (0101)	1,072,959
From Department of Mental Health Federal Fund (0148).....	2,910,484
From Health Initiatives Fund (0275).....	82,148
For school-based alcohol and drug abuse prevention programs	
Expense and Equipment	
From Department of Mental Health Federal Fund (0148).....	<u>1,264,177</u>
Total (Not to exceed 8.84 F.T.E.).....	\$18,333,599

*I hereby veto \$11,702 Department of Mental Health Federal Fund for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

For prevention and education services.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Expense and Equipment by \$38 from \$195,336 to \$195,298 from Department of Mental Health Federal Fund.

From \$350,568 to \$350,530 in total from Department of Mental Health Federal Fund.

For enabling enforcement of the provisions of the Family Smoking Prevention and Tobacco Control Act of 2009, in collaboration with the Department of Public Safety, Division of Alcohol and Tobacco Control.

Expense and Equipment by \$11,664 from \$168,941 to \$157,277 from Department of Mental Health Federal Fund.

From \$507,343 to \$495,679 in total from Department of Mental Health Federal Fund.

From \$18,333,599 to \$18,321,897 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 10.110.** — To the Department of Mental Health

For the Division of Behavioral Health

For treatment of alcohol and drug abuse, provided that three percent (3%)

flexibility is allowed from this section to Section 10.575

Personal Service

From General Revenue Fund (0101) \$564,019

Personal Service..... 236,227

Expense and Equipment..... 372,913

From Department of Mental Health Federal Fund (0148) 609,140

Personal Service

From Health Initiatives Fund (0275)..... 45,228

For treatment of alcohol and drug abuse, provided that fifty percent (50%)

flexibility is allowed between sections indicated in 10.110, 10.210, and

10.225 to allow flexibility in payment for the Certified Community

Behavioral Health Clinic Prospective Payment System, and further provided

that three percent (3%) flexibility is allowed from this section to Section

10.575

From General Revenue Fund (0101) 45,515,494

From Department of Mental Health Federal Fund (0148) 109,055,971

For treatment of alcohol and drug abuse

From Inmate Fund (0540)..... 3,513,779

From Health Initiatives Fund (0275)..... 5,966,747

From DMH Local Tax Matching Fund (0930)..... 963,775

For funding youth services

From Mental Health Interagency Payments Fund (0109)..... 10,000

For reducing recidivism among offenders with serious substance use disorders

who are returning to the St. Louis or Kansas City areas from any of the state

correctional facilities. Additionally, remaining funds shall be used to

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

support offenders returning to other regions of the state who are working with available treatment slots from the Department of Mental Health. The department shall select a qualified not-for-profit service provider in accordance with state purchasing rules. The provider must have experience serving this population in a correctional setting as well as in the community. The provider shall design and implement an evidence-based program that includes a continuum of services from prison to community, including medication assisted treatment that is initiated prior to release, when appropriate. The program must include an evaluation component to determine its effectiveness relative to other options, provided that three percent (3%) flexibility is allowed from this section to Section 10.575

From General Revenue Fund (0101) 1,791,475

For the sole purpose of conducting and evaluating a Pilot Project at Women's Eastern Reception and Diagnostic, Northeast, Chillicothe, and Cremer Therapeutic Community Centers for up to one hundred fifty (150) women and up to forty-five (45) males, with twenty (20) of the individuals selected having a developmental disability. If it is deemed medically appropriate, these individuals may volunteer to receive FDA approved non-addictive medication assisted treatment for alcohol dependence and prevention of relapse to opioid dependence prior to release, and for up to six (6) months after release. Other medical services, including but not limited to, substance use disorder treatment services, may be provided by the contracted health care vendor to the Missouri Department of Corrections, and upon release, to designated substance use disorder treatment providers in the community, including Saint Louis and Kansas City metropolitan areas, provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Expense and Equipment
From General Revenue Fund (0101) 772,669

For Recovery Support Services with the Access to Recovery Program
Expense and Equipment

From General Revenue Fund (0101) 3,670,740

For Peer Recovery Services
Expense and Equipment

From General Revenue Fund (0101) 1,399,877

Total (Not to exceed 15.56 F.T.E.) \$173,878,914

*I hereby veto \$94 Department of Mental Health Federal Fund for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

For treatment of alcohol and drug abuse.

Expense and Equipment by \$94 from \$372,913 to \$372,819 from Department of Mental Health Federal Fund.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

From \$609,140 to \$609,046 in total from Department of Mental Health Federal Fund.
 From \$173,878,914 to \$173,878,820 in total for the section.

MICHAEL L. PARSON
 GOVERNOR

SECTION 10.115. — To the Department of Mental Health
 For the Division of Behavioral Health
 For treatment of compulsive gambling
 Expense and Equipment
 From Compulsive Gamblers Fund (0249) \$153,606

***SECTION 10.120.** — To the Department of Mental Health
 For the Division of Behavioral Health
 For the Substance Abuse Traffic Offender Program
 Personal Service..... \$22,688
 Expense and Equipment..... 407,458
 From Department of Mental Health Federal Fund (0148) 430,146

Expense and Equipment
 From Mental Health Earnings Fund (0288) 6,995,353

Personal Service..... 166,963
 Expense and Equipment..... 21,176
 From Health Initiatives Fund (0275)..... 188,139
 Total (Not to exceed 4.48 F.T.E.)..... \$7,613,638

*I hereby veto \$33 Health Initiatives Fund for a \$.06 increase in the mileage reimbursement rate.
 This increase was not part of my budget recommendations. This veto is necessary to ensure a
 balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$33 from \$21,176 to \$21,143 from Health Initiatives Fund.
 From \$188,139 to \$188,106 in total from Health Initiatives Fund.
 From \$7,613,638 to \$7,613,605 in total for the section.

MICHAEL L. PARSON
 GOVERNOR

***SECTION 10.200.** — To the Department of Mental Health
 For the Division of Behavioral Health
 For the administration of comprehensive psychiatric services, provided that
 three percent (3%) flexibility is allowed from this section to Section 10.575
 Personal Service..... \$996,478
 Expense and Equipment..... 56,831
 From General Revenue Fund (0101) 1,053,309

Personal Service..... 652,216
 Expense and Equipment..... 1,081,188
 From Department of Mental Health Federal Fund (0148) 1,733,404

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
 Matter in bold-face type is proposed language.

For suicide prevention initiatives	
Personal Service.....	71,026
Expense and Equipment.....	<u>1,496,898</u>
From Department of Mental Health Federal Fund (0148).....	1,567,924
Expense and Equipment	
From Department of Mental Health Federal Stimulus Fund (2345)	900,000
Expense and Equipment	
From Mental Health Earnings Fund (0288)	<u>475,016</u>
Total (Not to exceed 30.60 F.T.E.)	\$5,729,653

*I hereby veto \$790, including \$430 general revenue, for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

For the administration of comprehensive psychiatric services.

Expense and Equipment by \$430 from \$56,831 to \$56,401 from General Revenue Fund.

From \$1,053,309 to \$1,052,879 in total from General Revenue Fund.

Expense and Equipment by \$311 from \$1,081,188 to \$1,080,877 from Department of Mental Health Federal Fund.

From \$1,733,404 to \$1,733,093 in total from Department of Mental Health Federal Fund.

For suicide prevention initiatives.

Expense and Equipment by \$41 from \$1,496,898 to \$1,496,857 from Department of Mental Health Federal Fund.

From \$1,567,924 to \$1,567,883 in total from Department of Mental Health Federal Fund.

Expense and Equipment by \$8 from \$475,016 to \$475,008 from Mental Health Earnings Fund.

From \$5,729,653 to \$5,728,863 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 10.205.** — To the Department of Mental Health

For the Division of Behavioral Health

For facility support and PRN nursing and direct care staff pool, provided that staff paid from the PRN nursing and direct care staff pool will only incur fringe benefit costs applicable to part time employment, and that fifteen percent (15%) flexibility is allowed between personal service and expense and equipment, and that three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service.....	\$3,463,205
Expense and Equipment.....	<u>57,121</u>
From General Revenue Fund (0101)	3,520,326

For funding costs for forensic clients resulting from loss of benefits under provisions of the Social Security Domestic Employment Reform Act of

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

1994, provided that three percent (3%) flexibility is allowed from this section to Section 10.575	
Expense and Equipment	
From General Revenue Fund (0101)	850,752
To pay the state operated hospital provider tax	
Expense and Equipment	
From General Revenue Fund (0101)	14,000,000
For funding expenses related to fluctuating census demands, Medicare bundling compliance, Medicare Part D implementation, and to restore facilities personal service and/or expense and equipment incurred for direct care worker training and other operational maintenance expenses, provided that three percent (3%) flexibility is allowed from this section to Section 10.575	
Expense and Equipment	
From Department of Mental Health Federal Fund (0148)	4,639,062
Personal Service.....	169,458
Expense and Equipment.....	<u>1,271,646</u>
From Mental Health Earnings Fund (0288)	1,441,104
For those Voluntary by Guardian clients transitioning from state psychiatric facilities to the community or to support those clients in facilities waiting to transition to the community, provided that three percent (3%) flexibility is allowed from this section to Section 10.575	
Expense and Equipment	
From General Revenue Fund (0101)	<u>328,217</u>
Total (Not to exceed 81.62 F.T.E.)	\$24,779,461

*I hereby veto \$22 Department of Mental Health Federal Fund for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

For funding expenses related to fluctuating census demands.
Expense and Equipment by \$22 from \$4,639,062 to \$4,639,040 from Department of Mental Health Federal Fund.
From \$24,779,461 to \$24,779,439 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 10.210.** — To the Department of Mental Health
For adult community programs, provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service.....	\$159,182
Expense and Equipment.....	<u>850,169</u>
From General Revenue Fund (0101)	1,009,351

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Matter in bold-face type is proposed language.

Personal Service.....	230,504
Expense and Equipment.....	<u>2,590,339</u>
From Department of Mental Health Federal Fund (0148).....	2,820,843

For adult community programs, provided that up to ten percent (10%) of this appropriation may be used for services for youth, and further provided that fifty percent (50%) flexibility is allowed between sections indicated in 10.110, 10.210, and 10.225 to allow flexibility in payment for the Certified Community Behavioral Health Clinic Prospective Payment System
Expense and Equipment

From General Revenue Fund (0101)	147,912,368
From Department of Mental Health Federal Fund (0148).....	267,175,931
From DMH Local Tax Matching Fund (0930).....	1,284,357

For mental health services and support services to other agencies

Expense and Equipment

From Mental Health Interagency Payments Fund (0109).....	1,310,572
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For programs for the homeless mentally ill, provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Expense and Equipment

From General Revenue Fund (0101)	569,108
From Department of Mental Health Federal Fund (0148).....	964,080

For the Missouri Eating Disorder Council and its responsibilities under Section 630.575, RSMo, provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service..... 35,587

Expense and Equipment..... 104,159

From General Revenue Fund (0101)	139,746
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For community based services in the St. Louis Eastern Region for Community

Access to Care Facilitation

Expense and Equipment

From Department of Mental Health Federal Fund (0148).....	<u>2,000,000</u>
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Total (Not to exceed 9.31 F.T.E.).....	\$425,186,356
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*I hereby veto \$2,818, including \$1,136 general revenue, for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

For adult community programs.

Expense and Equipment by \$942 from \$850,169 to \$849,227 from General Revenue Fund.

From \$1,009,351 to \$1,008,409 in total from General Revenue Fund.

Expense and Equipment by \$1,682 from \$2,590,339 to \$2,588,657 from Department of Mental Health Federal Fund.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

From \$2,820,843 to \$2,819,161 in total from Department of Mental Health Federal Fund.

For the Missouri Eating Disorder Council and its responsibilities under Section 630.575, RSMo.

Expense and Equipment by \$194 from \$104,159 to \$103,965 from General Revenue Fund.

From \$139,746 to \$139,552 in total from General Revenue Fund.

From \$425,186,356 to \$425,183,538 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 10.211. — To the Department of Mental Health

For the Division of Behavioral Health

For a Quality Incentive Payment for eligible Certified Community Behavioral
Health Organizations

From Department of Mental Health Federal Fund (0148) \$10,240,116

SECTION 10.215. — To the Department of Mental Health

For the Division of Behavioral Health

For reimbursing attorneys, physicians, and counties for fees in involuntary civil
commitment procedures, provided that three percent (3%) flexibility is
allowed from this section to Section 10.575

Expense and Equipment

From General Revenue Fund (0101) \$747,441

***SECTION 10.220.** — To the Department of Mental Health

For the Division of Behavioral Health

For forensic support services, provided that three percent (3%) flexibility is
allowed from this section to Section 10.575

Personal Service \$807,098

Expense and Equipment 26,885

From General Revenue Fund (0101) 833,983

Personal Service 4,545

Expense and Equipment 42,767

From Department of Mental Health Federal Fund (0148) 47,312

Total (Not to exceed 15.88 F.T.E.) \$881,295

*I hereby veto \$4,826, including \$2,060 general revenue, for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$2,060 from \$26,885 to \$24,825 from General Revenue Fund.

From \$833,983 to \$831,923 in total from General Revenue Fund.

Expense and Equipment by \$2,766 from \$42,767 to \$40,001 from Department of Mental Health Federal Fund.

From \$47,312 to \$44,546 in total from Department of Mental Health Federal Fund.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

From \$881,295 to \$876,469 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 10.225.** — To the Department of Mental Health

For the Division of Behavioral Health

For youth community programs, provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service.....	\$68,055
Expense and Equipment.....	91,741
From General Revenue Fund (0101)	159,796

Personal Service.....	358,920
Expense and Equipment.....	1,171,728
From Department of Mental Health Federal Fund (0148)	1,530,648

For youth community programs, provided that up to ten percent (10%) of this appropriation may be used for services for adults, and further provided that fifty percent (50%) flexibility is allowed between sections indicated in 10.110, 10.210, and 10.225 to allow flexibility in payment for the Certified Community Behavioral Health Clinic Prospective Payment System Expense and Equipment

From General Revenue Fund (0101)	42,955,576
From Department of Mental Health Federal Fund (0148)	89,980,804
From DMH Local Tax Matching Fund (0930)	1,257,879

For youth services

From Mental Health Interagency Payments Fund (0109)	600,000
Total (Not to exceed 5.29 F.T.E.)	\$136,484,703

*I hereby veto \$641, including \$55 general revenue, for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

For youth community programs.

Expense and Equipment by \$55 from \$91,741 to \$91,686 from General Revenue Fund.

From \$159,796 to \$159,741 in total from General Revenue Fund.

Expense and Equipment by \$586 from \$1,171,728 to \$1,171,142 from Department of Mental Health Federal Fund.

From \$1,530,648 to \$1,530,062 in total from Department of Mental Health Federal Fund.

From \$136,484,703 to \$136,484,062 in total for the section.

MICHAEL L. PARSON
GOVERNOR

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 10.226. — To the Department of Mental Health

For the Division of Behavioral Health

For a Quality Incentive Payment for eligible Certified Community Behavioral
Health Organizations

From Department of Mental Health Federal Fund (0148) \$2,560,029

SECTION 10.230. — To the Department of Mental Health

For the Division of Behavioral Health

For the purchase and administration of new medication therapies

Expense and Equipment

From General Revenue Fund (0101) \$15,550,649

From Department of Mental Health Federal Fund (0148) 916,243

Total..... \$16,466,892

***SECTION 10.300.** — To the Department of Mental Health

For the Division of Behavioral Health

For the Fulton State Hospital, provided that fifteen percent (15%) may be spent
on the Purchase of Community Services, including transitioning clients to
the community or other state-operated facilities, and further provided that
ten percent (10%) flexibility is allowed between Fulton State Hospital and
Fulton State Hospital Sexual Offender Rehabilitation and Treatment
Services Program, and further provided that ten percent (10%) flexibility is
allowed between personal service and expense and equipment, and further
provided that three percent (3%) flexibility is allowed from this section to
Section 10.575

Personal Service..... \$39,701,838

Expense and Equipment..... 8,259,573

From General Revenue Fund (0101) 47,961,411

Personal Service..... 988,596

Expense and Equipment..... 618,895

From Department of Mental Health Federal Fund (0148) 1,607,491

For paying overtime to state employees. Nonexempt state employees identified
by Section 105.935, RSMo, will be paid first with any remaining funds being
used to pay overtime to any other state employees

Personal Service

From General Revenue Fund (0101) 696,301

For the Fulton State Hospital Sexual Offender Rehabilitation and Treatment
Services Program, provided that fifteen percent (15%) may be spent on the
Purchase of Community Services, including transitioning clients to the
community or other state-operated facilities, and further provided that ten
percent (10%) flexibility is allowed between Fulton State Hospital Sexual
Offender Rehabilitation and Treatment Services Program and Fulton State
Hospital, and further provided that ten percent (10%) flexibility is allowed
between personal service and expense and equipment, and further provided

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that three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service.....	10,712,057
Expense and Equipment.....	<u>2,525,891</u>
From General Revenue Fund (0101)	13,237,948

For paying overtime to state employees. Nonexempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees

Personal Service	
From General Revenue Fund (0101)	<u>65,368</u>
Total (Not to exceed 1,230.82 F.T.E.)	\$63,568,519

*I hereby veto \$299 general revenue for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

For the Fulton State Hospital.

Expense and Equipment by \$286 from \$8,259,573 to \$8,259,287 from General Revenue Fund.
From \$47,961,411 to \$47,961,125 in total from General Revenue Fund.

For the Fulton State Hospital Sexual Offender Rehabilitation and Treatment Services Program.

Expense and Equipment by \$13 from \$2,525,891 to \$2,525,878 from General Revenue Fund.
From \$13,237,948 to \$13,237,935 in total from General Revenue Fund.

From \$63,568,519 to \$63,568,220 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 10.305.** — To the Department of Mental Health

For the Division of Behavioral Health

For the Northwest Missouri Psychiatric Rehabilitation Center, provided that fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated facilities, and further provided that ten percent (10%) flexibility is allowed between personal service and expense and equipment, and further provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service.....	\$11,312,128
Expense and Equipment.....	<u>2,307,405</u>
From General Revenue Fund (0101)	13,619,533

Personal Service.....	820,782
Expense and Equipment.....	<u>105,903</u>
From Department of Mental Health Federal Fund (0148)	926,685

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For paying overtime to state employees. Nonexempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees

Personal Service

From General Revenue Fund (0101)	176,437
From Department of Mental Health Federal Fund (0148)	<u>11,762</u>
Total (Not to exceed 293.51 F.T.E.)	\$14,734,417

*I hereby veto \$262 general revenue for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

For the Northwest Missouri Psychiatric Rehabilitation Center.

Expense and Equipment by \$262 from \$2,307,405 to \$2,307,143 from General Revenue Fund.

From \$13,619,533 to \$13,619,271 in total from General Revenue Fund.

From \$14,734,417 to \$14,734,155 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 10.310.** — To the Department of Mental Health

For the Division of Behavioral Health

For the St. Louis Psychiatric Rehabilitation Center, provided that fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated facilities, and that ten percent (10%) flexibility is allowed between personal service and expense and equipment, and provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service	\$18,042,918
Expense and Equipment	<u>2,873,947</u>
From General Revenue Fund (0101)	20,916,865

Personal Service	450,518
Expense and Equipment	<u>93,210</u>
From Department of Mental Health Federal Fund (0148)	543,728

For paying overtime to state employees. Nonexempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees

Personal Service

From General Revenue Fund (0101)	304,984
From Department of Mental Health Federal Fund (0148)	<u>974</u>
Total (Not to exceed 472.14 F.T.E.)	\$21,766,551

*I hereby veto \$735 general revenue for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

For the St. Louis Psychiatric Rehabilitation Center.

Expense and Equipment by \$735 from \$2,873,947 to \$2,873,212 from General Revenue Fund.

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From \$20,916,865 to \$20,916,130 in total from General Revenue Fund.
 From \$21,766,551 to \$21,765,816 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 10.315.** — To the Department of Mental Health

For the Division of Behavioral Health

For the Metropolitan St. Louis Psychiatric Center, provided that fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated facilities, and that ten percent (10%) flexibility is allowed between personal service and expense and equipment, and provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service.....	\$7,072,494
Expense and Equipment.....	2,566,568
From General Revenue Fund (0101)	9,639,062

Personal Service	
From Department of Mental Health Federal Fund (0148)	444,310

For paying overtime to state employees. Nonexempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees

Personal Service	
From General Revenue Fund (0101)	18,120
From Department of Mental Health Federal Fund (0148)	1,195
Total (Not to exceed 179.50 F.T.E.)	\$10,102,687

*I hereby veto \$319 general revenue for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

For the Metropolitan St. Louis Psychiatric Center.

Expense and Equipment by \$319 from \$2,566,568 to \$2,566,249 from General Revenue Fund.
 From \$9,639,062 to \$9,638,743 in total from General Revenue Fund.
 From \$10,102,687 to \$10,102,368 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 10.320.** — To the Department of Mental Health

For the Division of Behavioral Health

For the Southeast Missouri Mental Health Center, provided that fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated facilities, and provided that ten percent (10%) flexibility is allowed between Southeast Missouri Mental Health Center and Southeast Missouri Mental Health Center-Sexual Offender Rehabilitation and Treatment Services Program, and that ten percent (10%) flexibility is allowed between personal service

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 Matter in bold-face type is proposed language.

and expense and equipment, and provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service.....	\$18,692,466
Expense and Equipment.....	3,119,049
From General Revenue Fund (0101)	21,811,515

Personal Service.....	300,712
Expense and Equipment.....	219,538
From Department of Mental Health Federal Fund (0148)	520,250

For paying overtime to state employees. Nonexempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees

Personal Service	
From General Revenue Fund (0101)	173,609

For the Southeast Missouri Mental Health Center-Sexual Offender Rehabilitation and Treatment Services Program, provided that fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated facilities, and that ten percent (10%) flexibility is allowed between Southeast Missouri Mental Health Center-Sexual Offender Rehabilitation and Treatment Services Program and Southeast Missouri Mental Health Center, and further provided that ten percent (10%) flexibility is allowed between personal service and expense and equipment, and further provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service.....	19,296,426
Expense and Equipment.....	4,403,048
From General Revenue Fund (0101)	23,699,474

Personal Service	
From Department of Mental Health Federal Fund (0148)	29,287

For paying overtime to state employees. Nonexempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees

Personal Service	
From General Revenue Fund (0101)	90,307
Total (Not to exceed 981.92 F.T.E.)	\$46,324,442

*I hereby veto \$1,235 general revenue for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

For the Southeast Missouri Mental Health Center.

Expense and Equipment by \$908 from \$3,119,049 to \$3,118,141 from General Revenue Fund.

From \$21,811,515 to \$21,810,607 in total from General Revenue Fund.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For the Southeast Missouri Mental Health Center-Sexual Offender Rehabilitation and Treatment Services Program.

Expense and Equipment by \$327 from \$4,403,048 to \$4,402,721 from General Revenue Fund.

From \$23,699,474 to \$23,699,147 in total from General Revenue Fund.

From \$46,324,442 to \$46,323,207 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 10.325.** — To the Department of Mental Health

For the Division of Behavioral Health

For the Center for Behavioral Medicine, provided that fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated facilities, and that ten percent (10%) flexibility is allowed between personal service and expense and equipment, and provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service.....	\$13,219,149
Expense and Equipment.....	<u>2,339,602</u>
From General Revenue Fund (0101)	15,558,751

Personal Service.....	251,970
Expense and Equipment.....	<u>633,432</u>
From Department of Mental Health Federal Fund (0148).....	885,402

For paying overtime to state employees. Nonexempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees

Personal Service	
From General Revenue Fund (0101)	<u>262,260</u>
Total (Not to exceed 317.05 F.T.E.)	\$16,706,413

*I hereby veto \$1,259, including \$1,084 general revenue, for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

For the Center for Behavioral Medicine.

Expense and Equipment by \$1,084 from \$2,339,602 to \$2,338,518 from General Revenue Fund.

From \$15,558,751 to \$15,557,667 in total from General Revenue Fund.

Expense and Equipment by \$175 from \$633,432 to \$633,257 from Department of Mental Health Federal Fund.

From \$885,402 to \$885,227 in total from Department of Mental Health Federal Fund.

From \$16,706,413 to \$16,705,154 in total for the section.

MICHAEL L. PARSON
GOVERNOR

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

***SECTION 10.330.** — To the Department of Mental Health

For the Division of Behavioral Health

For the Hawthorn Children's Psychiatric Hospital, provided that ten percent (10%) flexibility is allowed between personal service and expense and equipment, and provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service.....	\$6,840,293
Expense and Equipment.....	986,102
From General Revenue Fund (0101)	7,826,395

Personal Service.....	1,938,898
Expense and Equipment.....	197,901
From Department of Mental Health Federal Fund (0148)	2,136,799

For paying overtime to state employees. Nonexempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees

Personal Service	
From General Revenue Fund (0101)	68,736
From Department of Mental Health Federal Fund (0148)	7,553
Total (Not to exceed 216.80 F.T.E.)	\$10,039,483

*I hereby veto \$55 general revenue for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

For the Hawthorn Children's Psychiatric Hospital.

Expense and Equipment by \$55 from \$986,102 to \$986,047 from General Revenue Fund.

From \$7,826,395 to \$7,826,340 in total from General Revenue Fund.

From \$10,039,483 to \$10,039,428 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 10.400.** — To the Department of Mental Health

For the Division of Developmental Disabilities

For the division administration, provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service.....	\$1,371,081
Expense and Equipment.....	58,324
From General Revenue Fund (0101)	1,429,405

Personal Service.....	324,020
Expense and Equipment.....	760,559
From Department of Mental Health Federal Fund (0148)	1,084,579

For telehealth physician services related to COVID-19

Expense and Equipment	
From Department of Mental Health Federal Stimulus Fund (2345)	720,000
Total (Not to exceed 29.37 F.T.E.)	\$3,233,984

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

*I hereby veto \$1,878, including \$1,037 general revenue, for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

For the division administration.

Expense and Equipment by \$1,037 from \$58,324 to \$57,287 from General Revenue Fund.

From \$1,429,405 to \$1,428,368 in total from General Revenue Fund.

Expense and Equipment by \$841 from \$760,559 to \$759,718 from Department of Mental Health Federal Fund.

From \$1,084,579 to \$1,083,738 in total from Department of Mental Health Federal Fund.

From \$3,233,984 to \$3,232,106 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 10.405.** — To the Department of Mental Health

For the Division of Developmental Disabilities

To pay the state operated Intermediate Care Facilities for Individuals with

Intellectual Disabilities (ICF/ID) provider tax

Expense and Equipment

From General Revenue Fund (0101)\$6,200,000

For habilitation centers

Expense and Equipment

From Habilitation Center Room and Board Fund (0435) 3,416,233

Total.....\$9,616,233

*I hereby veto \$103 Habilitation Center Room and Board Fund for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

For habilitation centers.

Expense and Equipment by \$103 from \$3,416,233 to \$3,416,130 from Habilitation Center Room and Board Fund.

From \$9,616,233 to \$9,616,130 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 10.410.** — To the Department of Mental Health

For the Division of Developmental Disabilities

Provided that residential services for non-Medicaid eligibles shall not be reduced below the prior year expenditures as long as the person is evaluated to need the services

For community programs

From General Revenue Fund (0101)\$400,779,350

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

From Department of Mental Health Federal Fund (0148)	798,161,284
From DMH Local Tax Matching Fund (0930)	1,015,000
For community programs, provided that three percent (3%) flexibility is allowed from this section to Section 10.575	
Personal Service	628,288
Expense and Equipment	33,701
From General Revenue Fund (0101)	661,989
Personal Service	991,137
Expense and Equipment	178,292
From Department of Mental Health Federal Fund (0148)	1,169,429
For statewide autism outreach, education, and awareness programs for persons with autism and their families	
From General Revenue Fund (0101)	5,958,861
For an Autism Center located in a home rule city with more than forty-seven thousand but fewer than fifty-two thousand inhabitants and partially located in any county of the first classification with more than one hundred fifteen thousand but fewer than one hundred fifty thousand inhabitants	
From General Revenue Fund (0101)	51,511
For Autism Outreach Initiatives for Children in Northeast Missouri	
From General Revenue Fund (0101)	51,511
For Regional Autism projects	
From General Revenue Fund (0101)	9,017,135
For services for children who are clients of the Department of Social Services	
From Mental Health Interagency Payments Fund (0109)	9,916,325
For the Developmental Disability Training Pilot Program in a county with a charter form of government and with more than three hundred thousand but fewer than four hundred fifty thousand inhabitants and a county with a charter form of government and with more than nine hundred fifty thousand inhabitants	
From General Revenue Fund (0101)	304,500
For youth services	
From Mental Health Interagency Payments Fund (0109)	213,832
For Senate Bill 40 Board Tax Funds to be used as match for Medicaid initiatives for clients of the division	
From DMH Local Tax Matching Fund (0930)	8,889,538
For funds to compensate all DD Waiver providers during the period that Missouri or the United States falls within an emergency declaration to compensate any DD Waiver provider with a retention payment, gap payment, or temporary rate increase; and additional payment per day during	

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

the period in which a DD Waiver provider has at least one confirmed positive COVID-19 case on the premises

From Department of Mental Health Federal Stimulus Fund (2345)	<u>20,000,000</u>
Total (Not to exceed 24.59 F.T.E.)	\$1,256,190,265

*I hereby veto \$1,596, including \$1,138 general revenue, for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

For community programs.

Expense and Equipment by \$1,138 from \$33,701 to \$32,563 from General Revenue Fund.
From \$661,989 to \$660,851 in total from General Revenue Fund.

Expense and Equipment by \$458 from \$178,292 to \$177,834 from Department of Mental Health Federal Fund.

From \$1,169,429 to \$1,168,971 in total from Department of Mental Health Federal Fund.

From \$1,256,190,265 to \$1,256,188,669 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 10.415. — To the Department of Mental Health

For the Division of Developmental Disabilities

For community support staff, provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service

From General Revenue Fund (0101)	\$2,294,922
From Department of Mental Health Federal Fund (0148)	<u>8,270,263</u>
Total (Not to exceed 234.38 F.T.E.)	\$10,565,185

***SECTION 10.420.** — To the Department of Mental Health

For the Division of Developmental Disabilities

For developmental disabilities services, provided that ten percent (10%) flexibility is allowed between personal service and expense and equipment

Personal Service..... \$442,162

Expense and Equipment..... 1,821,471

From Department of Mental Health Federal Fund (0148) (Not to exceed 7.98 F.T.E.).....	\$2,263,633
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*I hereby veto \$3,899 Department of Mental Health Federal Fund for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$3,899 from \$1,821,471 to \$1,817,572 from Department of Mental Health Federal Fund.

From \$2,263,633 to \$2,259,734 in total for the section.

MICHAEL L. PARSON
GOVERNOR

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 10.425. — To the Department of Mental Health

Funds are to be transferred out of the State Treasury, to the General Revenue Fund as a result of recovering the Intermediate Care Facility Intellectually Disabled (ICF/ID) Reimbursement Allowance Fund

From Intermediate Care Facility Intellectually Disabled Reimbursement Allowance Fund (0901).....\$2,300,000

Funds are to be transferred out of the State Treasury, to Department of Mental Health Federal Fund

From Intermediate Care Facility Intellectually Disabled Reimbursement Allowance Fund (0901)..... 4,066,456
Total.....\$6,366,456

***SECTION 10.500.** — To the Department of Mental Health

For the Division of Developmental Disabilities

For the Central Missouri Regional Center, provided that twenty-five percent (25%) flexibility is allowed between personal service and expense and equipment, and provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service.....\$3,495,471
Expense and Equipment..... 178,587
From General Revenue Fund (0101)3,674,058

Personal Service.....675,859
Expense and Equipment..... 110,815
From Department of Mental Health Federal Fund (0148)..... 786,674
Total (Not to exceed 98.70 F.T.E.)\$4,460,732

*I hereby veto \$1,066, including \$825 general revenue, for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$825 from \$178,587 to \$177,762 from General Revenue Fund.
From \$3,674,058 to \$3,673,233 in total from General Revenue Fund.

Expense and Equipment by \$241 from \$110,815 to \$110,574 from Department of Mental Health Federal Fund.

From \$786,674 to \$786,433 in total from Department of Mental Health Federal Fund.

From \$4,460,732 to \$4,459,666 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 10.505.** — To the Department of Mental Health

For the Division of Developmental Disabilities

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For the Kansas City Regional Center, provided that twenty-five percent (25%) flexibility is allowed between personal service and expense and equipment, and provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service.....	\$3,234,202
Expense and Equipment.....	<u>251,477</u>
From General Revenue Fund (0101).....	3,485,679
Personal Service.....	1,264,752
Expense and Equipment.....	<u>111,476</u>
From Department of Mental Health Federal Fund (0148).....	<u>1,376,228</u>
Total (Not to exceed 97.74 F.T.E.)	\$4,861,907

*I hereby veto \$764, including \$683 general revenue, for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$683 from \$251,477 to \$250,794 from General Revenue Fund.
From \$3,485,679 to \$3,484,996 in total from General Revenue Fund.

Expense and Equipment by \$81 from \$111,476 to \$111,395 from Department of Mental Health Federal Fund.

From \$1,376,228 to \$1,376,147 in total from Department of Mental Health Federal Fund.

From \$4,861,907 to \$4,861,143 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 10.510.** — To the Department of Mental Health

For the Division of Developmental Disabilities

For the Sikeston Regional Center, provided that twenty-five percent (25%) flexibility is allowed between personal service and expense and equipment, and provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service.....	\$1,878,079
Expense and Equipment.....	<u>128,320</u>
From General Revenue Fund (0101).....	2,006,399
Personal Service.....	247,422
Expense and Equipment.....	<u>27,684</u>
From Department of Mental Health Federal Fund (0148).....	<u>275,106</u>
Total (Not to exceed 49.57 F.T.E.)	\$2,281,505

*I hereby veto \$207, including \$156 general revenue, for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Expense and Equipment by \$156 from \$128,320 to \$128,164 from General Revenue Fund.
From \$2,006,399 to \$2,006,243 in total from General Revenue Fund.

Expense and Equipment by \$51 from \$27,684 to \$27,633 from Department of Mental Health Federal Fund.

From \$275,106 to \$275,055 in total from Department of Mental Health Federal Fund.

From \$2,281,505 to \$2,281,298 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 10.515.** — To the Department of Mental Health

For the Division of Developmental Disabilities

For the Springfield Regional Center, provided that twenty-five percent (25%) flexibility is allowed between personal service and expense and equipment, and provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service.....	\$2,249,813
Expense and Equipment.....	<u>167,191</u>
From General Revenue Fund (0101)	2,417,004

Personal Service.....	386,979
Expense and Equipment.....	<u>41,508</u>
From Department of Mental Health Federal Fund (0148)	428,487
Total (Not to exceed 61.13 F.T.E.)	\$2,845,491

*I hereby veto \$714 general revenue for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$714 from \$167,191 to \$166,477 from General Revenue Fund.

From \$2,417,004 to \$2,416,290 in total from General Revenue Fund.

From \$2,845,491 to \$2,844,777 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 10.520.** — To the Department of Mental Health

For the Division of Developmental Disabilities

For the St. Louis Regional Center, provided that twenty-five percent (25%) flexibility is allowed between personal service and expense and equipment, and provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service.....	\$5,096,392
Expense and Equipment.....	<u>376,177</u>
From General Revenue Fund (0101)	5,472,569

Personal Service.....	1,106,331
Expense and Equipment.....	<u>241,700</u>

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

From Department of Mental Health Federal Fund (0148).....	<u>1,348,031</u>
Total (Not to exceed 141.00 F.T.E.)	\$6,820,600

*I hereby veto \$11,472, including \$8,499 general revenue for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$8,499 from \$376,177 to \$367,678 from General Revenue Fund.
From \$5,472,569 to \$5,464,070 in total from General Revenue Fund.

Expense and Equipment by \$2,973 from \$241,700 to \$238,727 from Department of Mental Health Federal Fund.

From \$1,348,031 to \$1,345,058 in total from Department of Mental Health Federal Fund.

From \$6,820,600 to \$6,809,128 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 10.525.** — To the Department of Mental Health

For the Division of Developmental Disabilities

For the Bellefontaine Habilitation Center, provided that fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated services, and that ten percent (10%) flexibility is allowed between personal service and expense and equipment, and provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service.....	\$6,657,655
Expense and Equipment.....	<u>269,211</u>
From General Revenue Fund (0101)	6,926,866

Personal Service.....	9,046,868
Expense and Equipment.....	<u>645,217</u>
From Department of Mental Health Federal Fund (0148).....	9,692,085

For paying overtime to state employees. Nonexempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees

Personal Service	
From General Revenue Fund (0101)	972,837
From Department of Mental Health Federal Fund (0148).....	<u>40,507</u>
Total (Not to exceed 444.35 F.T.E.)	\$17,632,295

*I hereby veto \$16, including \$1 general revenue, for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

For the Bellefontaine Habilitation Center.

Expense and Equipment by \$1 from \$269,211 to \$269,210 from General Revenue Fund.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

From \$6,926,866 to \$6,926,865 in total from General Revenue Fund.

Expense and Equipment by \$15 from \$645,217 to \$645,202 from Department of Mental Health Federal Fund.

From \$9,692,085 to \$9,692,070 in total from Department of Mental Health Federal Fund.

From \$17,632,295 to \$17,632,279 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 10.530.** — To the Department of Mental Health

For the Division of Developmental Disabilities

For the Higginsville Habilitation Center, provided that thirty percent (30%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated services, and that ten percent (10%) flexibility is allowed between personal service and expense and equipment, and provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service.....	\$3,723,272
Expense and Equipment.....	<u>59,204</u>
From General Revenue Fund (0101)	3,782,476

Personal Service.....	6,415,504
Expense and Equipment.....	<u>366,607</u>
From Department of Mental Health Federal Fund (0148)	6,782,111

For paying overtime to state employees. Nonexempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees

Personal Service	
From General Revenue Fund (0101)	418,473
From Department of Mental Health Federal Fund (0148)	<u>96,572</u>
Total (Not to exceed 345.43 F.T.E.)	\$11,079,632

*I hereby veto \$45 Department of Mental Health Federal Fund for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

For the Higginsville Habilitation Center.

Expense and Equipment by \$45 from \$366,607 to \$366,562 from Department of Mental Health Federal Fund.

From \$6,782,111 to \$6,782,066 in total from Department of Mental Health Federal Fund.

From \$11,079,632 to \$11,079,587 in total for the section.

MICHAEL L. PARSON
GOVERNOR

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

***SECTION 10.535.** — To the Department of Mental Health

For the Division of Developmental Disabilities

For Northwest Community Services, provided that thirty percent (30%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated services, and that ten percent (10%) flexibility is allowed between personal service and expense and equipment, and provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service.....	\$5,819,074
Expense and Equipment.....	437,304
From General Revenue Fund (0101)	6,256,378

Personal Service.....	12,900,573
Expense and Equipment.....	574,165
From Department of Mental Health Federal Fund (0148).....	13,474,738

For paying overtime to state employees. Nonexempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees

Personal Service	
From General Revenue Fund (0101)	772,630
Total (Not to exceed 614.66 F.T.E.)	\$20,503,746

*I hereby veto \$6,388, including \$425 general revenue, for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

For Northwest Community Services.

Expense and Equipment by \$425 from \$437,304 to \$436,879 from General Revenue Fund.

From \$6,256,378 to \$6,255,953 in total from General Revenue Fund.

Expense and Equipment by \$5,963 from \$574,165 to \$568,202 from Department of Mental Health Federal Fund.

From \$13,474,738 to \$13,468,775 in total from Department of Mental Health Federal Fund.

From \$20,503,746 to \$20,497,358 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 10.540. — To the Department of Mental Health

For the Division of Developmental Disabilities

For the Southwest Community, provided that fifteen percent (15%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated services, and that ten percent (10%) flexibility is allowed between personal service and expense and equipment, and provided that three percent (3%) flexibility is allowed from this section to Section 10.575

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Personal Service.....	\$2,552,595
Expense and Equipment.....	<u>74,034</u>
From General Revenue Fund (0101)	2,626,629

Personal Service.....	5,120,063
Expense and Equipment.....	<u>359,918</u>
From Department of Mental Health Federal Fund (0148)	5,479,981

For paying overtime to state employees. Nonexempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees

Personal Service	
From General Revenue Fund (0101)	16,706
From Department of Mental Health Federal Fund (0148)	<u>230,054</u>
Total (Not to exceed 243.96 F.T.E.)	\$8,353,370

***SECTION 10.545.** — To the Department of Mental Health

For the Division of Developmental Disabilities

For the St. Louis Developmental Disabilities Treatment Center, provided that seventy five percent (75%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated services, and that ten percent (10%) flexibility is allowed between personal service and expense and equipment, and provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service.....	\$5,019,034
Expense and Equipment.....	<u>1,878,260</u>
From General Revenue Fund (0101)	6,897,294

Personal Service.....	13,044,742
Expense and Equipment.....	<u>718,734</u>
From Department of Mental Health Federal Fund (0148)	<u>13,763,476</u>
Total (Not to exceed 545.74 F.T.E.)	\$20,660,770

*I hereby veto \$75, including \$36 general revenue, for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$36 from \$1,878,260 to \$1,878,224 from General Revenue Fund.
From \$6,897,294 to \$6,897,258 in total from General Revenue Fund.

Expense and Equipment by \$39 from \$718,734 to \$718,695 from Department of Mental Health Federal Fund.

From \$13,763,476 to \$13,763,437 in total from Department of Mental Health Federal Fund.

From \$20,660,770 to \$20,660,695 in total for the section.

MICHAEL L. PARSON
GOVERNOR

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 10.550. — To the Department of Mental Health

For the Division of Developmental Disabilities

For Southeast Missouri Residential Services, provided that fifty percent (50%) may be spent on the Purchase of Community Services, including transitioning clients to the community or other state-operated services, and that ten percent (10%) flexibility is allowed between personal service and expense and equipment, and provided that three percent (3%) flexibility is allowed from this section to Section 10.575

Personal Service.....	\$2,182,780
Expense and Equipment.....	45,588
From General Revenue Fund (0101)	2,228,368

Personal Service.....	5,274,273
Expense and Equipment.....	633,271
From Department of Mental Health Federal Fund (0148)	5,907,544

For paying overtime to state employees. Nonexempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees

Personal Service	
From General Revenue Fund (0101)	201,904
From Department of Mental Health Federal Fund (0148)	87,328
Total (Not to exceed 249.19 F.T.E.)	\$8,425,144

SECTION 10.555. — To the Department of Mental Health

For the Division of Developmental Disabilities

For a comprehensive program located in a city not within a county. The purpose of such program shall be to promote basic scientific research, clinic patient research, and patient care for tuberous sclerosis complex

From General Revenue Fund (0101)	\$250,000
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SECTION 10.575. — To the Department of Mental Health

Funds are to be transferred out of the State Treasury, for the payment of claims, premiums, and expenses as provided by Section 105.711 through 105.726, RSMo, to the State Legal Expense Fund

From General Revenue Fund (0101)	\$1
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SECTION 10.600. — To the Department of Health and Senior Services

For the Office of the Director

For program operations and support, provided that three percent (3%) flexibility is allowed from this section to Section 10.955

Personal Service.....	\$150,732
Expense and Equipment.....	16,705
From General Revenue Fund (0101)	167,437

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Personal Service.....	384,056
Expense and Equipment.....	<u>65,910</u>
From Department of Health and Senior Services Federal Fund (0143).....	<u>449,966</u>
Total (Not to exceed 9.00 F.T.E.).....	\$617,403

***SECTION 10.605.** — To the Department of Health and Senior Services

For the Division of Administration

For program operations and support, provided that three percent (3%) flexibility
is allowed from this section to Section 10.955

Personal Service.....	\$313,639
Expense and Equipment.....	<u>58,684</u>
From General Revenue Fund (0101)	372,323

For program operations and support

Personal Service.....	3,109,463
Expense and Equipment.....	<u>1,654,662</u>
From Department of Health and Senior Services Federal Fund (0143).....	4,764,125

Expense and Equipment

From Nursing Facility Quality of Care Fund (0271)	330,000
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Expense and Equipment

From Health Access Incentive Fund (0276).....	50,000
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Expense and Equipment

From Mammography Fund (0293)	25,000
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Personal Service..... 141,119 |

Expense and Equipment..... 199,525 |

From Missouri Public Health Services Fund (0298)	340,644
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Expense and Equipment

From Professional and Practical Nursing Student Loan and Nurse Loan

Repayment Fund (0565).....	30,000
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Expense and Equipment

From Department of Health and Senior Services Document Services Fund

(0646).....	44,571
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Expense and Equipment

From Department of Health - Donated Fund (0658)	30,000
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Expense and Equipment

From Putative Father Registry Fund (0780).....	25,000
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Expense and Equipment

From Organ Donor Program Fund (0824)	30,000
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EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Expense and Equipment	
From Childhood Lead Testing Fund (0899)	5,000
Total (Not to exceed 77.35 F.T.E.)	\$6,046,663

*I hereby veto \$124, including \$25 general revenue, for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$25 from \$58,684 to \$58,659 from General Revenue Fund.
From \$372,323 to \$372,298 in total from General Revenue Fund.

Expense and Equipment by \$99 from \$1,654,662 to \$1,654,563 from Department of Health and Senior Services Federal Fund.
From \$4,764,125 to \$4,764,026 in total from Department of Health and Senior Services Federal Fund.

From \$6,046,663 to \$6,046,539 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 10.610. — To the Department of Health and Senior Services

Funds are to be transferred out of the State Treasury, to the Health Access
Incentive Fund

From Health Initiatives Fund (0275).....\$759,624

SECTION 10.615. — To the Department of Health and Senior Services

For the Division of Administration

For the payment of refunds set off against debts in accordance with Section
143.786, RSMo

From Debt Offset Escrow Fund (0753).....\$50,000

SECTION 10.620. — To the Department of Health and Senior Services

For the Division of Administration

For refunds

From General Revenue Fund (0101).....\$50,000

For refunds, provided that fifty percent (50%) flexibility is allowed between
federal and other funds

From Department of Health and Senior Services Federal Fund (0143)..... 100,000

From Nursing Facility Quality of Care Fund (0271)..... 9,240

From Health Access Incentive Fund (0276)..... 5,000

From Mammography Fund (0293)..... 1,000

From Missouri Public Health Services Fund (0298)..... 39,000

From Endowed Cemetery Audit Fund (0562)..... 2,899

From Professional and Practical Nursing Student Loan and Nurse Loan

Repayment Fund (0565)..... 2,500

From Missouri Veterans' Health and Care Fund (0606)..... 1,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

From Department of Health and Senior Services Document Services Fund (0646).....	10,000
From Department of Health - Donated Fund (0658)	15,133
From Criminal Record System Fund (0671).....	333
From Children's Trust Fund (0694)	13,495
From Brain Injury Fund (0742).....	100
From Organ Donor Program Fund (0824)	25
From Childhood Lead Testing Fund (0899)	275
Total.....	<u>\$250,000</u>

SECTION 10.625. — To the Department of Health and Senior Services
For the Division of Administration

For receiving and expending grants, donations, contracts, and payments from private, federal, and other governmental agencies which may become available between sessions of the General Assembly provided that the General Assembly shall be notified of the source of any new funds and the purpose for which they shall be expended, in writing, prior to the use of said funds

Personal Service.....	\$107,173
Expense and Equipment.....	<u>3,000,001</u>
From Department of Health and Senior Services Federal Fund (0143).....	3,107,174
Personal Service.....	107,169
Expense and Equipment.....	<u>347,596</u>
From Department of Health - Donated Fund (0658)	<u>454,765</u>
Total.....	<u>\$3,561,939</u>

***SECTION 10.700.** — To the Department of Health and Senior Services

For the Division of Community and Public Health

For the Adolescent Health Program, provided that three percent (3%) flexibility is allowed from this section to Section 10.955

Personal Service	
From General Revenue Fund (0101)	\$15,762
Expense and Equipment	
From Department of Health and Senior Services Federal Fund (0143).....	133,521
From Health Initiatives Fund (0275).....	1,228

For program operations and support, provided that thirty percent (30%) flexibility is allowed between personal service and expense and equipment, and provided that three percent (3%) flexibility is allowed from this section to Section 10.955

Personal Service.....	6,566,881
Expense and Equipment.....	<u>70,900</u>
From General Revenue Fund (0101)	6,637,781

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For program operations and support, provided that three percent (3%) flexibility is allowed from this section to Section 10.955	
Personal Service.....	15,896,964
Expense and Equipment.....	<u>4,724,371</u>
From Department of Health and Senior Services Federal Fund (0143).....	20,621,335
Personal Service.....	1,046,142
Expense and Equipment.....	<u>432,086</u>
From Health Initiatives Fund (0275).....	1,478,228
Personal Service.....	663,717
Expense and Equipment.....	<u>172,003</u>
From Missouri Public Health Services Fund (0298).....	835,720
Personal Service.....	79,591
Expense and Equipment.....	<u>68,048</u>
From Department of Health and Senior Services Document Services Fund (0646).....	147,639
Personal Service.....	74,501
Expense and Equipment.....	<u>23,785</u>
From Environmental Radiation Monitoring Fund (0656).....	98,286
Personal Service.....	193,592
Expense and Equipment.....	<u>333,830</u>
From Department of Health - Donated Fund (0658).....	527,422
Personal Service.....	218,288
Expense and Equipment.....	<u>66,883</u>
From Hazardous Waste Fund (0676).....	285,171
Personal Service.....	83,547
Expense and Equipment.....	<u>27,748</u>
From Putative Father Registry Fund (0780).....	111,295
Personal Service.....	117,562
Expense and Equipment.....	<u>131,887</u>
From Organ Donor Program Fund (0824).....	249,449
Expense and Equipment	
From Governor's Council on Physical Fitness Institution Gift Trust Fund (0924).....	<u>47,500</u>
Total (Not to exceed 493.65 F.T.E.)	\$31,190,337

*I hereby veto \$38,268 federal and other funds for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For program operations and support.

Expense and Equipment by \$20,199 from \$4,724,371 to \$4,704,172 from Department of Health and Senior Services Federal Fund.

From \$20,621,335 to \$20,601,136 in total from Department of Health and Senior Services Federal Fund.

Expense and Equipment by \$18,069 from \$432,086 to \$414,017 from Health Initiatives Fund.

From \$1,478,228 to \$1,460,159 in total from Health Initiatives Fund.

From \$31,190,337 to \$31,152,069 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 10.705. — To the Department of Health and Senior Services

For the Division of Community and Public Health

For core public health functions and related expenses, provided that three percent

(3%) flexibility is allowed from this section to Section 10.955

Expense and Equipment

From General Revenue Fund (0101)\$3,572,692

From Department of Health and Senior Services Federal Fund (0143)..... 9,900,000

Total.....\$13,472,692

***SECTION 10.710.** — To the Department of Health and Senior Services

For the Division of Community and Public Health

For the Adolescent Health Program

Expense and Equipment

From Department of Health and Senior Services Federal Fund (0143).....\$2,086,539

For the Missouri Donated Dental Services Program

Expense and Equipment

From General Revenue Fund (0101) 90,000

For the Brain Injury Waiver

From General Revenue Fund (0101) 266,836

From Department of Health and Senior Services Federal Fund (0143)..... 500,000

For the SAFE-CARE Program, including implementing a regionalized medical response to child abuse, providing daily review of cases of children less than four (4) years of age under investigation by the Missouri Department of Social Services, Children's Division and to provide medical forensics training to medical providers and multi-disciplinary team members

Expense and Equipment

From General Revenue Fund (0101) 250,000

For funding Epilepsy Education

From Department of Mental Health Federal Fund (0148) 50,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For a grant program benefitting victims of amyotrophic lateral sclerosis (ALS) and providing respite care in the eastern half of the state From General Revenue Fund (0101)	50,000
For community health programs and related expenses, provided that three percent (3%) flexibility is allowed from this section to Section 10.955 From General Revenue Fund (0101)	8,191,290
From Department of Health and Senior Services Federal Fund (0143)	103,688,108
From Missouri Public Health Services Fund (0298)	1,649,750
From Brain Injury Fund (0742)	974,900
From C & M Smith Memorial Endowment Trust Fund (0873)	10,000
From Missouri Lead Abatement Loan Fund (0893)	1,000
From Children's Special Health Care Needs Service Fund (0950)	30,000
From Department of Health and Senior Services Federal Stimulus Fund (2350)	626,489
Total	\$118,464,912

*I hereby veto \$82 general revenue for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

For community health programs and related expenses.
By \$82 from \$8,191,290 to \$8,191,208 from General Revenue Fund.
From \$118,464,912 to \$118,464,830 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 10.715. — To the Department of Health and Senior Services

For the Division of Community and Public Health For tobacco cessation services From General Revenue Fund (0101)	\$50,000
From Department of Health and Senior Services Federal Fund (0143)	50,000
Total	\$100,000

SECTION 10.720. — To the Department of Health and Senior Services

For the Division of Community and Public Health For women's health initiatives, provided that three percent (3%) flexibility is allowed from this section to Section 10.955 Personal Service	\$59,863
Expense and Equipment	51,546
From General Revenue Fund (0101)	111,409
Personal Service	1,278,034
Expense and Equipment	5,292,952
From Department of Health and Senior Services Federal Fund (0143)	6,570,986
Expense and Equipment From Health Initiatives Fund (0275)	4,916

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For the Show-Me Healthy Women's program in Missouri, provided that three percent (3%) flexibility is allowed from this section to Section 10.955

Expense and Equipment

From General Revenue Fund (0101)	500,000
From Missouri Public Health Services Fund (0298)	20,000
From Department of Health-Donated Fund (0658)	32,548

Personal Service	403,640
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Expense and Equipment	<u>1,894,132</u>
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From Department of Health and Senior Services Federal Fund (0143)	2,297,772
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For contracts for the Sexual Violence Victims Services, Awareness, and Education Program

Expense and Equipment

From Department of Health and Senior Services Federal Fund (0143)	<u>792,134</u>
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Total (Not to exceed 31.72 F.T.E.)	\$10,329,765
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SECTION 10.725. — To the Department of Health and Senior Services

For the Division of Community and Public Health

For family planning and family planning-related services, pregnancy testing, sexually transmitted disease testing and treatment, including pap tests and pelvic exams, and follow-up services provided that none of the funds appropriated herein may be paid, granted to, or expended to directly or indirectly fund procedures or administrative functions of any clinic, physician's office, or any other place or facility in which abortions are performed or induced other than a hospital, or any affiliate or associate of any such clinic, physician's office, or place or facility in which abortions are performed or induced other than a hospital, or for performing, inducing, or assisting in the performance or inducing of an abortion which is not necessary to save the life of the mother, for encouraging a patient to have an abortion or referring a patient for an abortion, which is not necessary to save the life of the mother, or developing or dispensing drugs, chemicals, or devices intended to be used to induce an abortion which is not necessary to save the life of the mother. Such services shall be available to uninsured women who are at least eighteen (18) to fifty-five (55) years of age with a family Modified Adjusted Gross Income for the household size that does not exceed two hundred and one percent (201%) of the Federal Poverty Level (FPL) and who is a legal resident of the state

From General Revenue Fund (0101)	\$6,289,091
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From Department of Health and Senior Services Federal Fund (0143)	<u>5,282,836</u>
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Total	\$11,571,927
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SECTION 10.730. — To the Department of Health and Senior Services

For the Division of Community and Public Health

For the Elks Mobile Dental Clinic

Expense and Equipment

From General Revenue Fund (0101)	\$200,000
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EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 10.735. — To the Department of Health and Senior Services

For the Division of Community and Public Health

For supplemental nutrition programs

Expense and Equipment

From Department of Health and Senior Services Federal Fund (0143).....\$186,680,851

For child nutrition and commodity assistance programs

From Department of Health and Senior Services Federal Stimulus

Fund (2350)..... 185,000,000

Total.....\$371,680,851

***SECTION 10.740.** — To the Department of Health and Senior Services

For the Division of Community and Public Health

For the Office of Rural Health and Primary Care

Personal Service.....\$818,948

Expense and Equipment..... 361,204

From Department of Health and Senior Services Federal Fund (0143)..... 1,180,152

Personal Service..... 102,281

Expense and Equipment..... 14,450

From Health Initiatives Fund (0275)..... 116,731

Personal Service..... 79,464

Expense and Equipment..... 8,900

From Professional and Practical Nursing Student Loan and Nurse Loan

Repayment Fund (0565)..... 88,364

For other Office of Rural Health and Primary Care programs and related expenses

Expense and Equipment

From Department of Health and Senior Services Federal Fund (0143)..... 1,261,607

From Department of Health-Donated Fund (0658)..... 655,000

From Department of Health and Senior Services Federal Stimulus

Fund (2350)..... 4,050,000

Total (Not to exceed 15.20 F.T.E.)\$7,351,854

*I hereby veto \$433 Department of Health and Senior Services Federal Fund for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

For the Office of Rural Health and Primary Care.

Expense and Equipment by \$433 from \$361,204 to \$360,771 from Department of Health and Senior Services Federal Fund.

From \$1,180,152 to \$1,179,719 in total from Department of Health and Senior Services Federal Fund.

From \$7,351,854 to \$7,351,421 in total for the section.

MICHAEL L. PARSON
GOVERNOR

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 10.741. — To the Department of Health and Senior Services

For the Division of Community and Public Health

For a pilot program for rural hospital grants to hospitals in counties with a population less than 60,000 and/or municipalities with a population less than 25,000, provided eligible applicants for grants shall be the owner, community board of directors and/or a contracted management company of the hospital, and further provided that the amount of any single grant shall not be greater than \$3,500,000, and further provided that the following purposes may be eligible for expenditure from any single grant in an amount no greater than the amount stated herein: testing for COVID-19 - \$1,250,000, facilities and equipment - \$1,000,000, environmental disinfection and personal protective equipment - \$750,000, services and patient care innovations - \$500,000

From Department of Health and Senior Services Federal Stimulus

Fund (2350).....\$35,000,000

SECTION 10.745. — To the Department of Health and Senior Services

For the Division of Community and Public Health

For the Primary Care Resource Initiative Program (PRIMO), Financial Aid to

Medical Students, and Loan Repayment Programs

Expense and Equipment

From General Revenue Fund (0101).....\$378,750

From Department of Health and Senior Services Federal Fund (0143).....425,000

From Health Access Incentive Fund (0276).....650,000

From Professional and Practical Nursing Student Loan and Nurse Loan

Repayment Fund (0565).....899,752

From Department of Health - Donated Fund (0658).....956,790

Total.....\$3,310,292

***SECTION 10.750.** — To the Department of Health and Senior Services

For the Division of Community and Public Health

For the Office of Minority Health

For program operations and support, provided that three percent (3%) flexibility

is allowed from this section to Section 10.955

Personal Service.....\$201,023

Expense and Equipment.....194,440

From General Revenue Fund (0101).....395,463

Personal Service

From Department of Health and Senior Services Federal Fund (0143).....33,431

Total (Not to exceed 4.48 F.T.E.).....\$428,894

*I hereby veto \$100 general revenue for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Expense and Equipment by \$100 from \$194,440 to \$194,340 from General Revenue Fund.
 From \$395,463 to \$395,363 in total from General Revenue Fund.
 From \$428,894 to \$428,794 in total for the section.

MICHAEL L. PARSON
 GOVERNOR

SECTION 10.755. — To the Department of Health and Senior Services

For the Division of Community and Public Health

For the Office of Emergency Coordination, provided that \$1,000,000 be used to
 assist in maintaining the Poison Control Hotline

From General Revenue Fund (0101) \$500,000

From Insurance Dedicated Fund (0566) 500,000

From Department of Health and Senior Services Federal Stimulus

Fund (2350) 100,000

Personal Service 1,833,268

Expense and Equipment and Program Distribution 11,530,305

From Department of Health and Senior Services Federal Fund (0143) 13,363,573

To address coronavirus preparedness and response

Expense and Equipment and Program Distribution

From Department of Health and Senior Services Federal Stimulus

Fund (2350) 24,887,493

Total (Not to exceed 33.02 F.T.E.) \$39,351,066

SECTION 10.760. — To the Department of Health and Senior Services

For the Division of Community and Public Health

For emergency funding of an outbreak response

From Missouri Public Health Services Fund (0298) \$300,000

***SECTION 10.765.** — To the Department of Health and Senior Services

For the Division of Community and Public Health

For the State Public Health Laboratory, including providing newborn screening
 services on weekends and holidays, provided that three percent (3%)
 flexibility is allowed from this section to Section 10.955

Personal Service \$1,911,534

Expense and Equipment 869,435

From General Revenue Fund (0101) 2,780,969

Personal Service 1,044,812

Expense and Equipment 1,798,025

From Department of Health and Senior Services Federal Fund (0143) 2,842,837

Personal Service 1,772,239

Expense and Equipment 5,477,889

From Missouri Public Health Services Fund (0298) 7,250,128

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
 Matter in bold-face type is proposed language.

Expense and Equipment	
From Safe Drinking Water Fund (0679)	473,641
Personal Service.....	18,464
Expense and Equipment.....	46,368
From Childhood Lead Testing Fund (0899)	64,832
Total (Not to exceed 103.01 F.T.E.)	\$13,412,407

*I hereby veto \$739, including \$490 general revenue, for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$490 from \$869,435 to \$868,945 from General Revenue Fund.
From \$2,780,969 to \$2,780,479 in total from General Revenue Fund.

Expense and Equipment by \$249 from \$1,798,025 to \$1,797,776 from Department of Health and Senior Services Federal Fund.
From \$2,842,837 to \$2,842,588 in total from Department of Health and Senior Services Federal Fund.

From \$13,412,407 to \$13,411,668 in total for the section

MICHAEL L. PARSON
GOVERNOR

***SECTION 10.800.** — To the Department of Health and Senior Services
For the Division of Senior and Disability Services

For program operations and support, provided that three percent (3%) flexibility
is allowed from this section to Section 10.955

Personal Service.....	\$9,599,892
Expense and Equipment.....	1,062,967
From General Revenue Fund (0101)	10,662,859

Personal Service.....	11,021,109
Expense and Equipment.....	1,287,950
From Department of Health and Senior Services Federal Fund (0143).....	12,309,059

For Medicaid Home and Community-Based Services Program reassessments,
provided that three percent (3%) flexibility is allowed from this section to
Section 10.955

Personal Service.....	669,508
Expense and Equipment.....	850,000
From General Revenue Fund (0101)	1,519,508

Personal Service.....	669,508
Expense and Equipment.....	850,000
From Department of Health and Senior Services Federal Fund (0143).....	1,519,508
Total (Not to exceed 515.26 F.T.E.)	\$26,010,934

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

*I hereby veto \$102,121, including \$45,251 general revenue, for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

For Programs Operations and Support.

Expense and Equipment by \$45,251 from \$1,062,967 to \$1,017,716 from General Revenue Fund.
From \$10,662,859 to \$10,617,608 in total from General Revenue Fund.

Expense and Equipment by \$56,870 from \$1,287,950 to \$1,231,080 from Department of Health and Senior Services Federal Fund.

From \$12,309,059 to \$12,252,189 in total from Department of Health and Senior Services Federal Fund.

From \$26,010,934 to \$25,908,813 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 10.805. — To the Department of Health and Senior Services

For the Division of Senior and Disability Services

For non-Medicaid reimbursable senior and disability programs, provided that
three percent (3%) flexibility is allowed from this section to Section 10.955

Expense and Equipment

From General Revenue Fund (0101) \$705,065

From Department of Health and Senior Services Federal Fund (0143)..... 167,028

Total..... \$872,093

SECTION 10.810. — To the Department of Health and Senior Services

For the Division of Senior and Disability Services

For providing consumer directed personal care assistance services at a rate not
to exceed sixty percent (60%) of the average monthly Medicaid cost of
nursing facility care, provided that ten percent (10%) flexibility is allowed
between this section and Section 10.815 to allow flexibility within the
Medicaid Home and Community Based Services Program

Expense and Equipment

From General Revenue Fund (0101) \$172,810,926

From Department of Health and Senior Services Federal Fund (0143)..... 322,817,967

Total..... \$495,628,893

SECTION 10.815. — To the Department of Health and Senior Services

For the Division of Senior and Disability Services

For respite care, homemaker chore, personal care, adult day care, AIDS,
children's waiver services, home-delivered meals, Programs of All-Inclusive
Care for the Elderly, the Structured Family Caregiver Waiver, other related
services, a Family Certified Home Health Aide Pilot Program for an enrolled
Private Duty Nursing Provider Agency with MO HealthNet located within
a county with a charter form of government and with more than nine hundred
fifty thousand inhabitants for the Home Care Agency to train up to one

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

hundred parents, guardians, or family members as Certified Home Health Aides for the purpose of providing comprehensive education on medically necessary hourly care to current eligible consumers, and program management under the Medicaid fee-for-service and managed care programs. Provided that individuals eligible for or receiving nursing home care must be given the opportunity to have those Medicaid dollars follow them to the community to the extent necessary to meet their unmet needs as determined by 19 CSR 30 81.030 and further be allowed to choose the personal care program option in the community that best meets the individuals' unmet needs, provided that ten percent (10%) flexibility is allowed between this section and Section 10.810 to allow flexibility within the Medicaid Home and Community Based Services Program, and further provided that individuals eligible for the Medicaid Personal Care Option must be allowed to choose, from among all the program options, that option which best meets their unmet needs as determined by 19 CSR 30 81.030; and also be allowed to have their Medicaid funds follow them to the extent necessary to meet their unmet needs whichever option they choose. This language does not create any entitlements not established by statute

Expense and Equipment

From General Revenue Fund (0101)	\$152,048,897
From Department of Health and Senior Services Federal Fund (0143).....	<u>284,033,635</u>
Total.....	\$436,082,532

SECTION 10.820. — To the Department of Health and Senior Services

Funds are to be transferred out of the State Treasury, chargeable to the General Revenue Fund-County Foreign Tax Distribution, to the Senior Services Growth and Development Program Fund

From General Revenue Fund (0101)	\$1
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SECTION 10.825. — To the Department of Health and Senior Services

For the Division of Senior and Disability Services

For Home and Community Services grants to be distributed to the Area Agency on Aging, provided that ten percent (10%) flexibility is allowed between these services and meal services, and further provided that three percent (3%) flexibility is allowed from this section to Section 10.955

From General Revenue Fund (0101)	\$2,074,704
From Department of Health and Senior Services Federal Fund (0143).....	27,544,641
From Senior Services Growth and Development Program Fund (0419).....	\$1

For the Division of Senior and Disability Services

For meals to be distributed to each Area Agency on Aging, provided that at least \$500,000 of general revenue be used for non-Medicaid meals to be distributed to each Area Agency on Aging in proportion to the actual number of meals served during the preceding fiscal year, provided that ten percent (10%) flexibility is allowed between these services and grant services, and

further provided that three percent (3%) flexibility is allowed from this section to Section 10.955

Expense and Equipment

From General Revenue Fund (0101)	9,731,016
From Department of Health and Senior Services Federal Fund (0143).....	6,955,359
From Elderly Home-Delivered Meals Trust Fund (0296)	62,958

For funding supportive services and meals to be distributed to each Area Agency on Aging

Expense and Equipment

From Department of Health and Senior Services Federal Fund (0143).....	15,000,000
From Department of Health and Senior Services Federal Stimulus Fund (2350).....	18,000,000

For the Ombudsman Program operated by the Area Agencies on Aging or their service providers

Expense and Equipment

From General Revenue Fund (0101)	150,000
Total.....	\$79,518,679

SECTION 10.830. — To the Department of Health and Senior Services

For the Division of Senior and Disability Services

For Alzheimer's program grants to be used by organizations serving individuals with Alzheimer's disease and their caregivers as well as providing statewide respite assistance and support programs to Missouri families to ease burden, enhance quality of life, and reduce the number of persons with Alzheimer's disease who are prematurely or unnecessarily institutionalized, provided that three percent (3%) flexibility is allowed from this section to Section 10.955

Expense and Equipment

From General Revenue Fund (0101)	\$450,000
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For caregiver training programs which include in-home visits that delay the institutionalization of persons with dementia

Expense and Equipment

From General Revenue Fund (0101)	100,000
Total.....	\$550,000

SECTION 10.831. — To the Department of Health and Senior Services

For the Division of Senior and Disability Services

For senior independent living programs that support seniors aging in place in communities with a high concentration of older adults, provided that three percent (3%) flexibility is allowed from this section to Section 10.955

From General Revenue Fund (0101)	\$400,000
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SECTION 10.835. — To the Department of Health and Senior Services

For the Division of Senior and Disability Services

For providing naturalization assistance to refugees and/or legal immigrants who: have resided in Missouri more than five years, are unable to benefit or attend

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

classroom instruction, and who require special assistance to successfully attain the requirements to become a citizen. Services may include direct tutoring, assistance with identifying and completing appropriate waiver requests to the Immigration and Customs Enforcement agency, and facilitating proper documentation. The department shall award a contract under this section to a qualified not-for-profit organization which can demonstrate its ability to work with this population. A report shall be compiled for the General Assembly evaluating the program's effectiveness in helping senior refugees and immigrants in establishing citizenship and their ability to qualify individuals for Medicare

Expense and Equipment

From General Revenue Fund (0101) \$200,000

***SECTION 10.900.** — To the Department of Health and Senior Services

For the Division of Regulation and Licensure

For program operations and support, provided that three percent (3%) flexibility is allowed from this section to Section 10.955

Personal Service..... \$8,464,720

Expense and Equipment..... 826,997

From General Revenue Fund (0101) 9,291,717

Personal Service..... 12,918,274

Expense and Equipment..... 2,027,922

From Department of Health and Senior Services Federal Fund (0143)..... 14,946,196

Personal Service..... 937,672

Expense and Equipment..... 272,832

From Nursing Facility Quality of Care Fund (0271) 1,210,504

Personal Service..... 68,632

Expense and Equipment..... 13,110

From Mammography Fund (0293) 81,742

Personal Service..... 300,000

Expense and Equipment..... 300,000

From Department of Health and Senior Services Federal Stimulus Fund (2350)..... 600,000

For nursing home quality initiatives

Expense and Equipment

From Nursing Facility Reimbursement Allowance Fund (0196)..... 725,000

For the Time Critical Diagnosis Unit

Personal Service..... 164,688

Expense and Equipment..... 8,500

From General Revenue Fund (0101) 173,188

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For the Bureau of Narcotics and Dangerous Drugs operations and support	
Personal Service.....	292,947
Expense and Equipment.....	4,620
From General Revenue Fund (0101)	297,567
Personal Service.....	79,967
Expense and Equipment.....	10,970
From Health Access Incentive Fund (0276).....	90,937
For the Bureau of Narcotics and Dangerous Drugs for a Physician Prescription Monitoring Program	
Personal Service.....	273,132
Expense and Equipment.....	134,257
From General Revenue Fund (0101)	407,389
For medical marijuana program operations and support, provided that ten percent (10%) flexibility is allowed between personal services and expense and equipment	
Personal Service.....	4,089,591
Expense and Equipment.....	9,253,725
From Missouri Veterans' Health and Care Fund (0606)	13,343,316
For the Medical Marijuana Opportunities program to provide support to facilitate the inclusion of individuals in Missouri's medical marijuana industry who have been negatively and disproportionately impacted by marijuana criminalization and poverty	
Expense and Equipment	
From Missouri Veterans' Health and Care Fund (0606)	200,000
For expending Civil Monetary Penalty Funding on federally approved nursing facility activities and projects	
Expense and Equipment	
From Nursing Facility Quality Care Fund (0271)	3,360,000
Total (Not to exceed 520.46 F.T.E.)	\$44,727,556

*I hereby veto \$60,273, including \$18,442 general revenue, for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

For Programs Operations and Support.

Expense and Equipment by \$18,442 from \$826,997 to \$808,555 from General Revenue Fund.

From \$9,291,717 to \$9,273,275 in total from General Revenue Fund.

Expense and Equipment by \$41,831 from \$2,027,922 to \$1,986,091 from Department of Health and Senior Services Federal Fund.

From \$14,946,196 to \$14,904,365 in total from Department of Health and Senior Services Federal Fund.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

From \$44,727,556 to \$44,667,283 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 10.905. — To the Department of Health and Senior Services

For the Division of Regulation and Licensure

For activities to improve the quality of childcare, increase the availability of early childhood development programs, before- and after-school care, in-home services for families with newborn children, and for general administration of the program

Expense and Equipment

From Department of Health and Senior Services Federal Fund (0143).....\$436,675

SECTION 10.910. — To the Department of Health and Senior Services

Funds are to be transferred out of the State Treasury, for health and care services for military veterans as provided by Article XIV, Section 1 of the Missouri Constitution, to the Veterans Assistance Fund

From Missouri Veterans' Health and Care Fund (0606)\$2,135,510

SECTION 10.955. — To the Department of Health and Senior Services

Funds are to be transferred out of the State Treasury, for the payment of claims, premiums, and expenses as provided by Section 105.711 through 105.726, RSMo, to the State Legal Expense Fund

From General Revenue Fund (0101)\$1

PART 2

SECTION 10.1000. — To the Department of Mental Health and the Department of Health and Senior Services

In reference to Sections 10.105, 10.110, 10.115, 10.210, 10.225, 10.810, and 10.815 of Part 1 of this act:

No funds shall be expended in furtherance of provider rates greater than the rate in effect on January 1, 2020, with the exception of revenue maximization initiatives, except for Certified Community Behavioral Health Clinics, for whom no funds shall be expended in furtherance of actuarial rates greater than those approved by the Department of Mental Health, with the exception of revenue maximization initiatives, and further excepting providers of children's residential treatment services, for whom no funds shall be expended in furtherance of provider rates greater than: \$119.67 daily for children's basic residential treatment services, \$113.67 daily for children's infant, toddler, or preschool residential treatment services, \$133.04 daily for children's level 2 residential treatment services, \$133.33 daily for children's level 3 residential treatment services, \$175.26 daily for children's level 4 residential treatment services.

SECTION 10.1010. — To the Department of Mental Health and the Department of Health and Senior Services
 In reference to all sections in Part 1 of this act:
 No funds shall be expended for the purpose of Medicaid expansion as outlined under the Affordable Care Act.

PART 3

SECTION 10.1100. — To the Department of Mental Health and the Department of Health and Senior Services
 In reference to all sections in Part 1 and Part 2 of this act:
 No funds shall be expended to any clinic, physician's office, or any other place or facility in which abortions are performed or induced other than a hospital, or any affiliate or associate of any such clinic, physician's office, or place or facility in which abortions are performed or induced other than a hospital.

Department of Mental Health Totals

General Revenue Fund.....	\$938,350,140
Federal Funds.....	1,478,503,359
Other Funds.....	44,735,275
Total.....	\$2,461,588,774

Department of Health and Senior Services Totals

General Revenue Fund.....	\$391,842,641
Federal Funds.....	1,320,075,997
Other Funds.....	38,899,727
Total.....	\$1,750,818,365

Approved June 30, 2020

CCS SCS HS HCS HB 2011

Appropriates money for the expenses, grants, and distributions of the Department of Social Services

AN ACT to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2020, and ending June 30, 2021.

Be it enacted by the General Assembly of the state of Missouri, as follows:

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, fund transfer, and program described herein for the item or items stated, and for no other

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
 Matter in bold-face type is proposed language.

purpose whatsoever, chargeable to the fund designated for the period beginning July 1, 2020, and ending June 30, 2021, as follows:

PART 1

SECTION 11.000. Each appropriation in this act shall consist of the item or items in each section of Part 1 of this act, for the amount and purpose and from the fund designated in each section of Part 1, as well as all additional clarifications of purpose in Part 2 of this act that make reference by section to said item or items in Part 1. Any clarification of purpose in Part 2 shall state the section or sections in Part 1 to which it attaches and shall, together with the language of said section(s) in Part 1, form the complete statement of purpose of the appropriation. As such, the provisions of Part 2 of this act shall not be severed from Part 1, and if any clarification of purpose in Part 2 is for any reason held to be invalid, such decision shall invalidate all of the appropriations in this act of which said clarification of purpose is a part. Part 3 of this act shall consist of guidance to the Department of Social Services in implementing the appropriations found in Part 1 and Part 2 of this act.

SECTION 11.005. — To the Department of Social Services

For the Office of the Director

For the Director's Office, provided that not more than three percent (3%)

flexibility is allowed from this section to Section 11.950

Personal Service..... \$109,065

Annual salary adjustment in accordance with Section 105.005, RSMo..... 1,803

Expense and Equipment..... 33,562

From General Revenue Fund (0101) 144,430

Personal Service

From Temporary Assistance for Needy Families Federal Fund (0199)..... 19,150

Personal Service..... 132,618

Annual salary adjustment in accordance with Section 105.005, RSMo.....347

Expense and Equipment..... 1,197

From Department of Social Services Federal Fund (0610)..... 134,162

Personal Service

From Child Support Enforcement Fund (0169)..... 31,515

Total (Not to exceed 3.25 F.T.E.)..... \$329,257

SECTION 11.010. — To the Department of Social Services

For the Office of the Director

For receiving and expending grants, donations, contracts, and payments from private, federal, and other governmental agencies which may become available between sessions of the General Assembly provided that the General Assembly shall be notified of the source of any new funds and the purpose for which they shall be expended, in writing, prior to the use of said funds

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

From Department of Social Services Federal Fund (0610).....	\$4,443,552
From Family Services Donations Fund (0167).....	<u>33,999</u>
Total.....	\$4,477,551

SECTION 11.015. — To the Department of Social Services

For the Office of the Director

For the Human Resources Center, provided that not more than three percent
(3%) flexibility is allowed from this section to Section 11.950

Personal Service.....	\$279,879
Expense and Equipment.....	<u>11,052</u>
From General Revenue Fund (0101)	290,931

Personal Service

From Temporary Assistance for Needy Families Federal Fund (0199)..... 23,710

Personal Service.....	186,465
Expense and Equipment.....	<u>29,805</u>
From Department of Social Services Federal Fund (0610).....	<u>216,270</u>
Total (Not to exceed 10.52 F.T.E.)	\$530,911

SECTION 11.016. — To the Department of Social Services

For the Office of the Director

For the State Technical Assistance Team (STAT)

For the prevention and investigation of child abuse, child neglect, child sexual
abuse, child exploitation/pornography or child fatality cases, as described in
Sections 660.520 to 660.528, RSMo, and for administrative expenses,
provided that not more than five percent (5%) flexibility is allowed between
personal service and expense and equipment; and further provided that not
more than three percent (3%) flexibility is allowed from this section to
Section 11.950

Personal Service.....	\$1,167,906
Expense and Equipment.....	<u>200,000</u>
From General Revenue Fund (0101) (Not to exceed 25.50 F.T.E.)	\$1,367,906

***SECTION 11.020.** — To the Department of Social Services

For the Office of the Director

For the Missouri Medicaid Audit and Compliance Unit, provided that not more
than three percent (3%) flexibility is allowed from this section to Section
11.950

Personal Service.....	\$1,400,906
Expense and Equipment.....	<u>335,610</u>
From General Revenue Fund (0101)	1,736,516

Personal Service.....	1,678,982
Expense and Equipment.....	<u>860,039</u>
From Department of Social Services Federal Fund (0610).....	2,539,021

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Expense and Equipment	
From Recovery Audit and Compliance Fund (0974).....	82,087
Personal Service.....	96,831
Expense and Equipment.....	<u>141,916</u>
From Medicaid Provider Enrollment Fund (0990).....	<u>238,747</u>
Total (Not to exceed 80.05 F.T.E.)	<u>\$4,596,371</u>

*I hereby veto \$30 Medicaid Provider Enrollment Fund for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$30 from \$141,916 to \$141,886 from Medicaid Provider Enrollment Fund.

From \$238,747 to 238,717 in total from Medicaid Provider Enrollment Fund.

From \$4,596,371 to \$4,596,341 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 11.025. — To the Department of Social Services

For the Office of the Director

For the Missouri Medicaid Audit and Compliance Unit

For a case management, provider enrollment, and fraud abuse and detection system, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.950

Expense and Equipment	
From General Revenue Fund (0101)	\$1,117,552
From Department of Social Services Federal Fund (0610).....	<u>5,882,448</u>
Total.....	<u>\$7,000,000</u>

SECTION 11.030. — To the Department of Social Services

For the Office of the Director

For the Missouri Medicaid Audit and Compliance Unit

For recovery audit services

Expense and Equipment	
From Recovery Audit and Compliance Fund (0974).....	\$1,200,000

SECTION 11.032. — To the Department of Social Services

Funds are to be transferred out of the State Treasury to the Cash Operating

Expense Fund

From Department of Social Services Federal Fund (0610).....	\$61,310,924
From Temporary Assistance for Needy Families Federal Fund (0199).....	62,329,945
From CHIP Increased Enhancement Fund (0492)	18,969,967
From Title XIX - Federal Fund (0163).....	<u>31,045,595</u>
Total.....	<u>\$173,656,431</u>

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 11.033. — To the Department of Social Services

For disallowances and settlements payments that are final and owed to the federal government during state fiscal year 2021, provided that the Chair of the House Budget and Senate Appropriations Committees of the General Assembly be notified of the payment and purpose for which they shall be expended, in writing, prior to the use of said funds

From Cash Operating Expense Fund (0432).....\$173,656,431

SECTION 11.035. — To the Department of Social Services

For the Division of Finance and Administrative Services, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.950

Personal Service.....\$1,948,373

Expense and Equipment..... 375,681

From General Revenue Fund (0101)2,324,054

Personal Service..... 1,132,362

Expense and Equipment..... 170,191

From Department of Social Services Federal Fund (0610).....1,302,553

Personal Service..... 4,345

Expense and Equipment..... 317

From Department of Social Services Administrative Trust Fund (0545)4,662

Personal Service

From Child Support Enforcement Fund (0169)..... 49,715

For the centralized inventory system, for reimbursable goods and services provided by the department, and for related equipment replacement and maintenance expenses

From Department of Social Services Administrative Trust Fund (0545) 1,200,000

Personal Service..... 213,749

Expense and Equipment..... 73,404

From Victims of Crime Act Federal Fund (0146) 287,153

Total (Not to exceed 63.44 F.T.E.)\$5,168,137

SECTION 11.040. — To the Department of Social Services

For the Division of Finance and Administrative Services

For the payment of fees to contractors who engage in revenue maximization projects on behalf of the Department of Social Services and the General Assembly

From Department of Social Services Federal Fund (0610).....\$3,250,000

SECTION 11.045. — To the Department of Social Services

For the Division of Finance and Administrative Services

For the receipt and disbursement of refunds and incorrectly deposited receipts to allow the over-collection of accounts receivables to be paid back to the

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Matter in bold-face type is proposed language.

recipient, provided that no more than twenty-five percent (25%) flexibility is allowed between federal and other funds within this section

From Title XIX - Federal Fund (0163).....	\$8,250,000
From Uncompensated Care Fund (0189).....	1,500,000
From Temporary Assistance for Needy Families Federal Fund (0199).....	27,000
From Department of Social Services Federal Fund (0610).....	5,000,000
From Pharmacy Rebates Fund (0114).....	25,000
From Third Party Liability Collections Fund (0120).....	369,000
From Premium Fund (0885).....	<u>3,500,000</u>
Total.....	\$18,671,000

SECTION 11.050. — To the Department of Social Services

For the Division of Finance and Administrative Services

For payments to counties and the City of St. Louis toward the care and maintenance of each delinquent or dependent child as provided in Section 211.156, RSMo, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.950

From General Revenue Fund (0101)	\$1,354,000
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***SECTION 11.055.** — To the Department of Social Services

For the Division of Legal Services, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.950

Personal Service.....	\$983,481
Expense and Equipment.....	<u>49,628</u>
From General Revenue Fund (0101)	1,033,109

Personal Service.....	1,235,707
Expense and Equipment.....	<u>230,424</u>
From Temporary Assistance for Needy Families Federal Fund (0199).....	1,466,131

Personal Service.....	2,024,683
Expense and Equipment.....	<u>164,858</u>
From Department of Social Services Federal Fund (0610).....	2,189,541

Personal Service.....	611,488
Expense and Equipment.....	<u>90,791</u>
From Third Party Liability Collections Fund (0120).....	702,279

Personal Service	
From Child Support Enforcement Fund (0169).....	<u>169,531</u>
Total (Not to exceed 108.42 F.T.E.)	\$5,560,591

*I hereby veto \$2,495 federal and other funds for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$2,229 from \$164,858 to \$162,629 from Department of Social Services Federal Fund.

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Matter in bold-face type is proposed language.

From \$2,189,541 to \$2,187,312 in total from Department of Social Services Federal Fund.

Expense and Equipment by \$266 from \$90,791 to \$90,525 from Third Party Liability Collections Fund.

From \$702,279 to \$702,013 in total from Third Party Liability Collections Fund.

From \$5,560,591 to \$5,558,096 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 11.060. — To the Department of Social Services

Funds are to be transferred out of the State Treasury to the General Revenue Fund

From Department of Social Services Federal Fund (0610).....\$25,599,071

***SECTION 11.100.** — To the Department of Social Services

For the Family Support Division, provided that not more than three percent (3%)

flexibility is allowed from this section to Section 11.950

Personal Service.....\$1,639,567

Expense and Equipment.....16,659

From General Revenue Fund (0101) 1,656,226

Personal Service..... 1,135,557

Expense and Equipment.....4,931,419

From Temporary Assistance for Needy Families Federal Fund (0199).....6,066,976

Personal Service.....4,550,576

Expense and Equipment.....4,485,196

From Department of Social Services Federal Fund (0610).....9,035,772

Personal Service

From Child Support Enforcement Fund (0169).....573,655

Total (Not to exceed 166.10 F.T.E.)\$17,332,629

*I hereby veto \$26,036, including \$8,252 general revenue, for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$8,252 from \$16,659 to \$8,407 from General Revenue Fund.

From \$1,656,226 to \$1,647,974 in total from General Revenue Fund.

Expense and Equipment by \$17,784 from \$4,485,196 to \$4,467,412 from Department of Social Services Federal Fund.

From \$9,035,772 to \$9,017,988 in total from Department of Social Services Federal Fund.

From \$17,332,629 to \$17,306,593 in total for the section.

MICHAEL L. PARSON
GOVERNOR

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

***SECTION 11.105.** — To the Department of Social Services

For the Family Support Division

For the income maintenance field staff and operations, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.950

Personal Service.....	\$16,588,793
Expense and Equipment.....	<u>3,022,224</u>
From General Revenue Fund (0101)	19,611,017

Personal Service.....	20,509,566
Expense and Equipment.....	<u>2,658,450</u>
From Temporary Assistance for Needy Families Federal Fund (0199).....	23,168,016

Personal Service.....	34,163,138
Expense and Equipment.....	<u>8,070,910</u>
From Department of Social Services Federal Fund (0610).....	42,234,048

Personal Service.....	854,020
Expense and Equipment.....	<u>27,917</u>
From Health Initiatives Fund (0275).....	881,937
Total (Not to exceed 2,049.24 F.T.E.)	\$85,895,018

*I hereby veto \$20,506, including \$8,961 general revenue, for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$8,961 from \$3,022,224 to \$3,013,263 from General Revenue Fund.
From \$19,611,017 to \$19,602,056 in total from General Revenue Fund.

Expense and Equipment by \$11,545 from \$8,070,910 to \$8,059,365 from Department of Social Services Federal Fund.

From \$42,234,048 to \$42,222,503 in total from Department of Social Services Federal Fund.

From \$85,895,018 to \$85,874,512 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 11.110.** — To the Department of Social Services

For the Family Support Division

For income maintenance and child support staff training, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.950

Expense and Equipment	
From General Revenue Fund (0101)	\$114,677
From Department of Social Services Federal Fund (0610).....	<u>137,438</u>
Total.....	\$252,115

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

*I hereby veto \$3,228 Department of Social Services Federal Fund for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$3,228 from \$137,438 to \$134,210 from Department of Social Services Federal Fund.

From \$252,115 to \$248,887 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 11.115. — To the Department of Social Services

For the Family Support Division

For the electronic benefit transfers (EBT) system

Expense and Equipment

From General Revenue Fund (0101)	\$1,696,622
From Temporary Assistance for Needy Families Federal Fund (0199).....	146,888
From Department of Social Services Federal Fund (0610).....	1,399,859
From Department of Social Services Federal Stimulus Fund (2355).....	<u>901,788</u>
Total.....	\$4,145,157

SECTION 11.120. — To the Department of Social Services

For the Family Support Division

For the receipt of funds from the Polk County and Bolivar Charitable Trust for
the exclusive benefit and use of the Polk County Office

From Family Services Donations Fund (0167)..... \$10,000

SECTION 11.125. — To the Department of Social Services

For the Family Support Division

For contractor, hardware, and other costs associated with planning,
development, and implementation of a Family Assistance Management
Information System (FAMIS), provided that not more than three percent
(3%) flexibility is allowed from this section to Section 11.950

Expense and Equipment

From General Revenue Fund (0101)	\$575,453
From Temporary Assistance for Needy Families Federal Fund (0199).....	1,084,032
From Department of Social Services Federal Fund (0610).....	<u>138,339</u>
Total.....	\$1,797,824

SECTION 11.130. — To the Department of Social Services

For the Family Support Division

For the Missouri Eligibility Determination and Enrollment System (MEDES),
provided that not more than three percent (3%) flexibility is allowed from
this section to Section 11.950

For the design, development, implementation, maintenance and operation costs for the family Medicaid and Children's Health Insurance Program (CHIP) eligibility categories under the Modified Adjusted Gross Income (MAGI) based methodology Expense and Equipment	
From General Revenue Fund (0101)	\$2,537,271
From Department of Social Services Federal Fund (0610).....	21,596,865
From Temporary Assistance for Needy Families Federal Fund (0199).....	4,865,864
From Health Initiatives Fund (0275).....	1,000,000
For the design, development, and implementation costs for the Supplemental Nutrition Assistance Program (SNAP) eligibility Expense and Equipment	
From General Revenue Fund (0101)	2,688,120
From Department of Social Services Federal Fund (0610).....	20,207,779
From Temporary Assistance for Needy Families Federal Fund (0199).....	9,134,136
For the expenses for the independent verification and validation (IV&V) services Expense and Equipment	
From General Revenue Fund (0101)	352,983
From Department of Social Services Federal Fund (0610).....	970,537
For expenses related to the enterprise content management (ECM) system Expense and Equipment	
From General Revenue Fund (0101)	400,000
From Department of Social Services Federal Fund (0610).....	2,100,000
For expenses related to the project management office (PMO) Expense and Equipment	
From General Revenue Fund (0101)	713,897
From Department of Social Services Federal Fund (0610).....	<u>1,962,583</u>
Total.....	\$68,530,035

SECTION 11.133. — To the Department of Social Services

For the Family Support Division

For the third party eligibility verification services to utilize public records as well as other established, credible data sources to evaluate income, resources, and assets of each applicant on no less than a quarterly basis; the contractor shall also, on a monthly basis, identify participants of covered programs who have died, moved out of state, or been incarcerated longer than 90 days Expense and Equipment	
From General Revenue Fund (0101)	\$2,407,190
From Department of Social Services Federal Fund (0610).....	4,302,810
From Temporary Assistance for Needy Families Federal Fund (0199).....	<u>90,000</u>
Total.....	\$6,800,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 11.135. — To the Department of Social Services

For the Family Support Division

For grants and contracts to Community Partnerships and other community initiatives and related expenses, provided that not more than ten percent (10%) flexibility is allowed between Sections 11.135 and 11.150, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.950

From General Revenue Fund (0101) \$632,328

From Temporary Assistance for Needy Families Federal Fund (0199)..... 7,525,492

From Department of Social Services Federal Fund (0610)..... 78,307

For the Missouri Mentoring Partnership

From Temporary Assistance for Needy Families Federal Fund (0199)..... 508,700

From Department of Social Services Federal Fund (0610)..... 935,000

For a program for adolescents with the goal of preventing teen pregnancies

From Temporary Assistance for Needy Families Federal Fund (0199)..... 600,000

Total..... \$10,279,827

SECTION 11.140. — To the Department of Social Services

For the Family Support Division

For the Food Nutrition Programs

From Department of Social Services Federal Fund (0610)..... \$14,343,755

SECTION 11.147. — To the Department of Social Services

For the Family Support Division

For the Missouri Work Assistance Program Unit

For the Healthcare Industry Training and Education (HITE) Program, under the provisions of the Health Profession Opportunity Grant (HPOG)

From Department of Social Services Federal Fund (0610)..... \$3,000,000

For the Missouri SkillUp Program

From Temporary Assistance for Needy Families Federal Fund (0199)..... 11,527,529

From Department of Social Services Federal Fund (0610)..... 4,672,471

For the attendance of Supplemental Nutrition Assistance Program recipients at adult high schools as designated by the Department of Elementary and Secondary Education

From Department of Social Services Federal Fund (0610)..... 2,500,000

For the attendance of low-income individuals at adult high schools as designated by the Department of Elementary and Secondary Education

From General Revenue Fund (0101) 1,500,000

From Temporary Assistance for Needy Families Federal Fund (0199)..... 4,300,000

For the Summer Jobs Program

From Temporary Assistance for Needy Families Federal Fund (0199)..... 4,000,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For Jobs for America's Graduates	
From Temporary Assistance for Needy Families Federal Fund (0199).....	2,750,000
For work assistance programs	
From General Revenue Fund (0101)	1,855,554
From Temporary Assistance for Needy Families Federal Fund (0199).....	24,178,203
For the Foster Care Jobs Program	
From Temporary Assistance for Needy Families Federal Fund (0199).....	1,000,000
For the purpose of funding a program located in a city not within a county that assists participants in obtaining post-secondary education and job training and teaching the imperative career-skill and work ethic necessary to become successful employees and that serves economically disadvantaged African American males to find jobs and have the opportunity to earn livable wages	
From Temporary Assistance for Needy Families Federal Fund (0199).....	500,000
For the purpose of funding a program in any city of the fourth classification with more than four thousand but fewer than four thousand five hundred inhabitants and located in any county with a charter form of government and with more than nine hundred fifty thousand inhabitants to help under-served youth, ages 18-24, to obtain life skills and gainful employment, and to develop ethical young leaders to take responsibility for their families and communities and to change the conditions of poverty through civic engagement	
From Temporary Assistance for Needy Families Federal Fund (0199).....	250,000
For the purpose of funding a program in any city not within a county that assists individuals with limited opportunities to self-sufficiency by breaking down barriers to self-sufficiency, creating a safer and more inclusive community	
From Temporary Assistance for Needy Families Federal Fund (0199).....	<u>200,000</u>
Total.....	\$62,233,757

SECTION 11.150. — To the Department of Social Services

For the Family Support Division, provided that not more than ten percent (10%) flexibility is allowed between Sections 11.135 and 11.150, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.950	
For the Temporary Assistance for Needy Families (TANF) benefits, Temporary Assistance (TA) Diversion transitional benefits and payments to qualified agencies for TANF or TANF Maintenance of Effort activities, provided that total funding herein is sufficient to fund TANF benefits	
From General Revenue Fund (0101)	\$3,856,800
From Temporary Assistance for Needy Families Federal Fund (0199).....	27,879,336
For support to Food Banks' effort to provide services and food to low-income individuals	
From Temporary Assistance for Needy Families Federal Fund (0199).....	10,000,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For an evidence-based program through a school-based early warning and response system that improves student attendance, behavior and course performance in reading and math by identifying the root causes for student absenteeism, classroom disruption, and course failure	
From Temporary Assistance for Needy Families Federal Fund (0199).....	500,000
For payments to qualified agencies for TANF or TANF maintenance of effort after school support programs	
From Temporary Assistance for Needy Families Federal Fund (0199).....	1,000,000
For payments to qualified agencies for TANF or TANF maintenance of effort out of school support programs	
From Temporary Assistance for Needy Families Federal Fund (0199).....	<u>2,000,000</u>
Total.....	\$45,236,136

SECTION 11.155. — To the Department of Social Services

For the Family Support Division

For alternatives to abortion services, including the provision of diapers and other infant hygiene products to women who qualify for alternatives to abortion services, provided that if the Department grants or allocates funds to certain not-for-profit organizations or regions of the state that are unused or anticipated to be unused, then the Department shall redistribute such funds to other not-for-profit organizations or regions of the state to ensure that all the funds appropriated are available to serve women who qualify for alternatives to abortion services	
From General Revenue Fund (0101)	\$2,033,561
From Temporary Assistance for Needy Families Federal Fund (0199).....	4,300,000
From Department of Social Services Federal Fund (0610).....	50,000

For the alternatives to abortion public awareness program	
From General Revenue Fund (0101)	75,000

For a healthy marriage and fatherhood initiative	
From Temporary Assistance for Needy Families Federal Fund (0199).....	<u>2,500,000</u>
Total.....	\$8,958,561

SECTION 11.160. — To the Department of Social Services

For the Family Support Division

For supplemental payments to aged or disabled persons	
From General Revenue Fund (0101)	\$12,525

SECTION 11.165. — To the Department of Social Services

For the Family Support Division

For nursing care payments to aged, blind, or disabled persons, and for personal funds to recipients of Supplemental Nursing Care payments as required by Section 208.030, RSMo	
From General Revenue Fund (0101)	\$25,420,885

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 11.170. — To the Department of Social Services

For the Family Support Division

For Blind Pension and supplemental payments to blind persons, provided that the Department of Social Services, whenever it calculates a new estimated rate or rates for the Blind Pension and/or supplemental payments to blind persons for the upcoming fiscal year, shall transmit the new estimated rate or rates, as well as the accompanying assumptions and calculations used to create the new estimated rate or rates, to the following organizations: Missouri Council for the Blind, National Federation of the Blind of Missouri, and the State Rehabilitation Council

From Blind Pension Fund (0621).....\$37,562,368

For payments to Eligible Members in accordance with the class action settlement agreement entered into by the Department of Social Services in resolution of case number 06AC-CC00123-03

From General Revenue Fund (0101) 300,000

Funds are to be transferred out of the State Treasury to the Blind Pension Fund for the portion of the Blind Pension settlement amount that is not used to pay class member claims in accordance with the class action settlement agreement entered into by the Department of Social Services in resolution of case number 06AC-CC00123-03

From General Revenue Fund (0101) 300,000

Total.....\$38,162,368

SECTION 11.175. — To the Department of Social Services

For the Family Support Division

For community services programs provided by Community Action Agencies or other not-for-profit organizations under the provisions of the Community Services Block Grant

From Department of Social Services Federal Fund (0610).....\$23,637,000

From Department of Social Services Federal Stimulus Fund (2355)..... 27,847,053

Total.....\$51,484,053

SECTION 11.180. — To the Department of Social Services

For the Family Support Division

For the Emergency Solutions Grant Program

From Department of Social Services Federal Fund (0610).....\$4,130,000

From Department of Social Services Federal Stimulus Fund (2355)..... 9,584,276

Total.....\$13,714,276

SECTION 11.185. — To the Department of Social Services

For the Family Support Division

For the Food Distribution Program and the receipt and disbursement of Donated Food Program payments

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

From Department of Social Services Federal Fund (0610).....	\$3,675,029
From Department of Social Services Federal Stimulus Fund (2355).....	<u>6,026,000</u>
Total.....	\$9,701,029

SECTION 11.190. — To the Department of Social Services

For the Family Support Division

For the Low-Income Home Energy Assistance Program

From Department of Social Services Federal Fund (0610).....\$80,047,867

From Department of Social Services Federal Stimulus Fund (2355)..... 17,970,880

Total.....\$98,018,747

SECTION 11.195. — To the Department of Social Services

For the Family Support Division

For grants to not-for-profit organizations for services and programs to assist
victims of domestic violence, provided that not more than three percent (3%)
flexibility is allowed from this section to Section 11.950

From General Revenue Fund (0101).....\$5,000,000

From Temporary Assistance for Needy Families Federal Fund (0199)..... 1,600,000

From Department of Social Services Federal Fund (0610).....2,116,524

From Department of Social Services Federal Stimulus Fund (2355)..... 528,000

For emergency shelter services to assist victims of domestic violence

From Temporary Assistance for Needy Families Federal Fund (0199)..... 562,137

Total.....\$9,806,661

SECTION 11.198. — To the Department of Social Services

Funds are to be transferred out of the State Treasury to the Victims of Crime

Act Federal Fund

From Department of Social Services Federal Fund (0610).....\$958,245

SECTION 11.199. — To the Department of Social Services

For the Family Support Division

For the Victims of Crime Act (VOCA) Unit

For the administrative expenses of the victims of crime act program, provided
that not more than five percent (5%) flexibility is allowed between personal
service and expense and equipment

Personal Service.....\$397,219

Expense and Equipment..... 100,000

From Victims of Crime Act Federal Fund (0146) 497,219

For training and technical assistance expenses for the victims of crime act
program

Expense and Equipment

From Victims of Crime Act Federal Fund (0146) 500,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For information technology expenses for the victims of crime act program
 Expense and Equipment
 From Victims of Crime Act Federal Fund (0146) 1,000,000
 Total (Not to exceed 8.00 F.T.E.)..... \$1,997,219

SECTION 11.200. — To the Department of Social Services

For the Family Support Division
 For the Victims of Crime Act (VOCA) Unit
 For grants to organizations for services and programs to assist victims of crime,
 provided such funds shall be awarded through a competitive grant process
 Program Specific Distribution
 From Victims of Crime Act Federal Fund (0146) \$65,035,217

SECTION 11.205. — To the Department of Social Services

For the Family Support Division
 For grants to not-for-profit organizations for services and programs to assist
 victims of sexual assault, provided that not more than three percent (3%)
 flexibility is allowed from this section to Section 11.950
 From General Revenue Fund (0101) \$500,000

For the purpose of funding a program located in a city not within a county that
 provides transitional housing and places women and children coming out of
 temporary domestic violence shelters into a mid-term housing and life-skills
 program
 From the General Revenue Fund (0101) 250,000
 Total..... \$750,000

***SECTION 11.210.** — To the Department of Social Services

For the Family Support Division
 For the administration of blind services, provided that not more than three
 percent (3%) flexibility is allowed from this section to Section 11.950
 Personal Service..... \$869,779
 Expense and Equipment..... 134,031
 From General Revenue Fund (0101) 1,003,810

Personal Service..... 3,222,668
 Expense and Equipment..... 748,577
 From Department of Social Services Federal Fund (0610)..... 3,971,245
 Total (Not to exceed 102.69 F.T.E.) \$4,975,055

*I hereby veto \$2,851 Department of Social Services Federal Fund for a \$.06 increase in the
 mileage reimbursement rate. This increase was not part of my budget recommendations. This
 veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-
 19 pandemic.

Expense and Equipment by \$2,851 from \$748,577 to \$745,726 from Department of Social
 Services Federal Fund.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
 Matter in bold-face type is proposed language.

From \$3,971,245 to \$3,968,394 in total from Department of Social Services Federal Fund.
 From \$4,975,055 to \$4,972,204 in total for the section.

MICHAEL L. PARSON
 GOVERNOR

***SECTION 11.215.** — To the Department of Social Services

For the Family Support Division

For services for the visually impaired, provided that not more than three percent

(3%) flexibility is allowed from this section to Section 11.950

From General Revenue Fund (0101)	\$1,491,125
From Department of Social Services Federal Fund (0610).....	6,406,310
From Family Services Donations Fund (0167).....	99,995
From Blindness Education, Screening and Treatment Program Fund (0892).....	<u>349,000</u>
Total.....	\$8,346,430

*I hereby veto \$18,026 Department of Social Services Federal Fund for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

By \$18,026 from \$6,406,310 to \$6,388,284 from Department of Social Services Federal Fund.
 From \$8,346,430 to \$8,328,404 in total for the section.

MICHAEL L. PARSON
 GOVERNOR

SECTION 11.220. — To the Department of Social Services

For the Family Support Division

For business enterprise programs for the blind

From Department of Social Services Federal Fund (0610).....\$38,500,000

***SECTION 11.225.** — To the Department of Social Services

For the Family Support Division

For Child Support Enforcement field staff and operations, and further provided
 that not more than three percent (3%) flexibility is allowed from this section
 to Section 11.950

Personal Service.....	\$3,328,805
Expense and Equipment.....	<u>3,867,391</u>
From General Revenue Fund (0101)	7,196,196
Personal Service.....	16,805,432
Expense and Equipment.....	<u>7,195,238</u>
From Department of Social Services Federal Fund (0610).....	24,000,670
Personal Service.....	2,269,321
Expense and Equipment.....	<u>492,234</u>
From Child Support Enforcement Fund (0169).....	<u>2,761,555</u>
Total (Not to exceed 651.24 F.T.E.)	\$33,958,421

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
 Matter in bold-face type is proposed language.

*I hereby veto \$1,501 Department of Social Services Federal Fund for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$1,501 from \$7,195,238 to \$7,193,737 from Department of Social Services Federal Fund.

From \$24,000,670 to \$23,999,169 in total from Department of Social Services Federal Fund.

From \$33,958,421 to \$33,956,920 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 11.230. — To the Department of Social Services

For the Family Support Division

For reimbursements to counties and the City of St. Louis and contractual agreements with local governments providing child support services, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.950

From General Revenue Fund (0101)	\$2,240,491
From Department of Social Services Federal Fund (0610).....	14,886,582
From Child Support Enforcement Fund (0169).....	<u>400,212</u>
Total.....	\$17,527,285

SECTION 11.235. — To the Department of Social Services

For the Family Support Division

For reimbursements to the federal government for federal Temporary Assistance for Needy Families payments, refunds of bonds, refunds of support payments or overpayments, and distributions to families

From Department of Social Services Federal Fund (0610).....	\$51,500,000
From Debt Offset Escrow Fund (0753).....	<u>9,000,000</u>
Total.....	\$60,500,000

SECTION 11.240. — To the Department of Social Services

Funds are to be transferred out of the State Treasury to the Department of Social Services Federal Fund

From Debt Offset Escrow Fund (0753).....	\$955,000
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Funds are to be transferred out of the State Treasury to the Child Support Enforcement Fund

From Debt Offset Escrow Fund (0753).....	<u>245,000</u>
Total.....	\$1,200,000

***SECTION 11.300.** — To the Department of Social Services

For the Children's Division, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.950

Personal Service.....	\$882,285
Expense and Equipment.....	<u>44,315</u>
From General Revenue Fund (0101)	926,600

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Personal Service.....	1,819,075
Expense and Equipment.....	<u>1,625,700</u>
From Temporary Assistance for Needy Families Federal Fund (0199).....	3,444,775
Personal Service.....	1,686,855
Expense and Equipment.....	<u>1,115,744</u>
From Department of Social Services Federal Fund (0610).....	2,802,599
Expense and Equipment	
From Third Party Liability Collections Fund (0120).....	<u>51,675</u>
Total (Not to exceed 87.94 F.T.E.)	\$7,225,649

*I hereby veto \$43,083 federal and other funds for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$43,039 from \$1,115,744 to \$1,072,705 from Department of Social Services Federal Fund.

From \$2,802,599 to \$2,759,560 in total from Department of Social Services Federal Fund.

Expense and Equipment by \$44 from \$51,675 to \$51,631 from Third Party Liability Collections Fund.

From \$7,225,649 to \$7,182,566 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 11.305.** — To the Department of Social Services

For the Children's Division, provided that not more than ten percent (10%) flexibility is allowed between Sections 11.305 and 11.340, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.950

For the Children's Division field staff and operations

Personal Service.....	\$34,915,145
Expense and Equipment.....	<u>2,533,437</u>
From General Revenue Fund (0101)	37,448,582

Personal Service.....	16,263,669
Expense and Equipment.....	<u>1,756,362</u>
From Temporary Assistance for Needy Families Federal Fund (0199).....	18,020,031

Personal Service.....	32,330,848
Expense and Equipment.....	<u>3,070,798</u>
From Department of Social Services Federal Fund (0610).....	35,401,646

Personal Service.....	76,106
Expense and Equipment.....	<u>31,593</u>
From Health Initiatives Fund (0275).....	107,699

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For recruitment and retention services
 From General Revenue Fund (0101) 572,787
 From Department of Social Services Federal Fund (0610)..... 793,132

Expense and Equipment
 From Child Support Enforcement Fund (0169)..... 467,586
 Total (Not to exceed 1,953.34 F.T.E.)\$92,811,463

*I hereby veto \$263,939, including \$84,123 general revenue, for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$84,123 from \$2,533,437 to \$2,449,314 from General Revenue Fund.
 From \$37,448,582 to \$37,364,459 in total from General Revenue Fund.

Expense and Equipment by \$177,315 from \$3,070,798 to \$2,893,483 from Department of Social Services Federal Fund.

From \$35,401,646 to \$35,224,331 in total from Department of Social Services Federal Fund.

Expense and Equipment by \$2,501 from \$31,593 to \$29,092 from Health Initiatives Fund.
 From \$107,699 to \$105,198 in total from Health Initiatives Fund.

From \$92,811,463 to \$92,547,524 in total for the section.

MICHAEL L. PARSON
 GOVERNOR

***SECTION 11.310.** — To the Department of Social Services

For the Children's Division

For Children's Division staff training, provided that not more than three percent
 (3%) flexibility is allowed from this section to Section 11.950

Expense and Equipment
 From General Revenue Fund (0101)\$974,436
 From Department of Social Services Federal Fund (0610)..... 485,112
 Total.....\$1,459,548

*I hereby veto \$15,191, including \$10,095 general revenue, for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$10,095 from \$974,436 to \$964,341 from General Revenue Fund.

Expense and Equipment by \$5,096 from \$485,112 to \$480,016 from Department of Social Services Federal Fund.

From \$1,459,548 to \$1,444,357 in total for the section.

MICHAEL L. PARSON
 GOVERNOR

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
 Matter in bold-face type is proposed language.

SECTION 11.315. — To the Department of Social Services

For the Children's Division, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.950

For children's treatment services including, but not limited to, home-based services, day treatment services, preventive services, child care, family reunification services, or intensive in-home services

From General Revenue Fund (0101)	\$12,408,963
From Temporary Assistance for Needy Families Federal Fund (0199).....	2,573,418
From Department of Social Services Federal Fund (0610).....	7,088,175

For crisis care

From General Revenue Fund (0101)	2,050,000
Total.....	\$24,120,556

SECTION 11.317. — To the Department of Social Services

For the Children's Division

For costs associated with the implementation of the Family First Prevention Services Act, provided that one hundred percent (100%) flexibility is allowed from personal service to expense and equipment/program specific distribution

Personal Service.....	\$100,000
Expense and Equipment/Program Specific Distribution	10,000,000
From Department of Social Services Federal Fund (0610)	
(Not to exceed 1.00 F.T.E.).....	\$10,100,000

SECTION 11.320. — To the Department of Social Services

For the Children's Division

For grants to community-based programs to strengthen the child welfare system locally to prevent child abuse and neglect and divert children from entering into the custody of the Children's Division, provided that the Children's Division shall coordinate the delivery of services with the Parents as Teachers Program within the Department of Elementary and Secondary Education, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.950

From General Revenue Fund (0101)	\$4,611,500
From Temporary Assistance for Needy Families Federal Fund (0199).....	2,827,000
From Department of Social Services Federal Stimulus Fund (2355).....	907,000
Total.....	\$8,345,500

SECTION 11.321. — To the Department of Social Services

For the Children's Division

For the purposes of funding home visitation services through the early and periodic screening, diagnostic, and treatment benefit under the Mo HealthNet fee-for-service program to pregnant women under age 21 and their children under age 3. Services shall include screening, health education and anticipatory guidance, and case management provided through

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Matter in bold-face type is proposed language.

evidence-based home visitation models. Women must meet at least one risk factor determined by the division to increase the likelihood of poor health outcomes. To offer services under this section, providers must document certification in an evidence-based home visitation model approved by the division. The division and Children's Division shall coordinate the delivery of these services and home visitation services in 11.320

From Title XIX - Federal Fund (0163).....\$3,000,000

***SECTION 11.325.** — To the Department of Social Services

For the Children's Division

For placement costs including foster care payments; related services; expenses related to training of foster parents; residential treatment placements and therapeutic treatment services; and for the diversion of children from inpatient psychiatric treatment and services provided through comprehensive, expedited permanency systems of care for children and families, provided that not more than ten percent (10%) flexibility is allowed between Sections 11.325, 11.345, 11.355, and 11.745

From General Revenue Fund (0101).....\$92,308,538

From Department of Social Services Federal Fund (0610).....42,342,496

From Temporary Assistance for Needy Families Federal Fund (0199).....19,181,602

For the purpose of funding foster care treatment costs in an outdoor learning foster care program that is licensed or accredited for treatment programming in south central Missouri with the reimbursement rate for this service determined by a cost study for payment in addition to other service rates for the foster child, provided that such reimbursement rate shall not exceed the appropriation authority

From General Revenue (0101).....183,385

From Department of Social Services Federal Fund (0610).....316,615

For awards to licensed community-based foster care and adoption recruitment programs

From Foster Care and Adoptive Parents Recruitment and Retention

Fund (0979).....15,000

Total.....\$154,347,636

*I hereby veto \$15 Department of Social Services Federal Fund for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

For placement costs including foster care payments.

By \$15 from \$42,342,496 to \$42,342,481 from Department of Social Services Federal Fund.

From \$154,347,636 to \$154,347,621 in total for the section.

MICHAEL L. PARSON
GOVERNOR

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

***SECTION 11.330.** — To the Department of Social Services

For the Children's Division

For contractual payments for expenses related to training of foster parents

From General Revenue Fund (0101)	\$403,510
From Department of Social Services Federal Fund (0610).....	<u>172,967</u>
Total.....	\$576,477

*I hereby veto \$34 Department of Social Services Federal Fund for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

By \$34 from \$172,967 to \$172,933 from Department of Social Services Federal Fund.

From \$576,477 to \$576,443 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 11.335. — To the Department of Social Services

For the Children's Division

For costs associated with attending post-secondary education including, but not limited to tuition, books, fees, room and board for current or former foster youth, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.950

From General Revenue Fund (0101)	\$188,848
From Temporary Assistance for Needy Families Federal Fund (0199).....	450,000
From Department of Social Services Federal Fund (0610).....	<u>1,050,000</u>
Total.....	\$1,688,848

SECTION 11.340. — To the Department of Social Services

For the Children's Division

For comprehensive case management contracts through community-based organizations as described in Section 210.112, RSMo; the purpose of these contracts shall be to provide a system of care for children living in foster care, independent living, or residential care settings; services eligible under this provision may include, but are not limited to, case management, foster care, residential treatment, intensive in-home services, family reunification services, and specialized recruitment and training of foster care families, provided that not more than ten percent (10%) flexibility is allowed between Sections 11.305 and 11.340, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.950

From General Revenue Fund (0101)	\$22,115,385
From Department of Social Services Federal Fund (0610).....	<u>17,670,948</u>
Total.....	\$39,786,333

SECTION 11.345. — To the Department of Social Services

For the Children's Division

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For Adoption and Guardianship subsidy payments and related services,
provided that not more than ten percent (10%) flexibility is allowed between
Sections 11.325, 11.345, and 11.355

From General Revenue Fund (0101)	\$68,715,381
From Department of Social Services Federal Fund (0610).....	<u>29,064,310</u>
Total.....	\$97,779,691

SECTION 11.350. — To the Department of Social Services

For the Children's Division

For adoption resource centers, provided that not more than fifty percent (50%)
flexibility is allowed between this subsection and the extreme recruitment
program within this section

From General Revenue Fund (0101)	\$875,000
From Department of Social Services Federal Fund (0610).....	600,000

For extreme recruitment for older youth with significant mental health and
behavioral issues, provided that not more than fifty percent (50%) flexibility
is allowed between this subsection and adoption resource centers within this
section

From General Revenue Fund (0101)	875,000
From Department of Social Services Federal Fund (0610).....	900,000

For the Community Connections for Youth Program for an adoption resource
center located in southwest Missouri and one center located in western
Missouri to provide advocacy support services for youth between the ages
of sixteen and twenty-six to prevent foster care youth from becoming
missing, locate missing foster care youth, prevent sex trafficking of foster
care youth, and assist youth who have aged out of the foster care system

From Department of Social Services Federal Fund (0610).....	600,000
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For an Adoption Resource Center in any city of the third classification with more
than nineteen thousand but fewer than twenty-one thousand inhabitants and
located in any county of the third classification without a township form of
government and with more than forty-five thousand but fewer than fifty-two
thousand inhabitants

From General Revenue Fund (0101)	75,000
From Department of Social Services Federal Fund (0610).....	<u>825,000</u>
Total.....	\$4,750,000

***SECTION 11.355.** — To the Department of Social Services

For the Children's Division

For independent living placements and transitional living services, provided that
not more than ten percent (10%) flexibility is allowed between Sections
11.325, 11.345, and 11.355

From General Revenue Fund (0101)	\$1,647,584
From Department of Social Services Federal Fund (0610).....	<u>3,671,258</u>
Total.....	\$5,318,842

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

*I hereby veto \$55 Department of Social Services Federal Fund for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

By \$55 from \$3,671,258 to \$3,671,203 from Department of Social Services Federal Fund.
From \$5,318,842 to \$5,318,787 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 11.360. — To the Department of Social Services
For the Children's Division

For Regional Child Assessment Centers, provided that not more than three
percent (3%) flexibility is allowed from this section to Section 11.950

From General Revenue Fund (0101)	\$1,649,475
From Department of Social Services Federal Fund (0610).....	800,000
From Health Initiatives Fund (0275).....	501,048
Total.....	\$2,950,523

SECTION 11.365. — To the Department of Social Services
For the Children's Division

For residential placement payments to counties for children in the custody of
juvenile courts

From Department of Social Services Federal Fund (0610).....	\$175,000
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SECTION 11.370. — To the Department of Social Services
For the Children's Division

For CASA IV-E allowable training costs

From Department of Social Services Federal Fund (0610).....	\$150,000
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***SECTION 11.375.** — To the Department of Social Services
For the Children's Division

For the Child Abuse and Neglect Prevention Grant and Children's Justice Act
Grant

From Department of Social Services Federal Fund (0610).....	\$1,771,630
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*I hereby veto \$846 Department of Social Services Federal Fund for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

By \$846 from \$1,771,630 to \$1,770,784 from Department of Social Services Federal Fund.
From \$1,771,630 to \$1,770,784 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 11.380. — To the Department of Social Services

For the Children's Division

For transactions involving personal funds of children in the custody of the
Children's Division

From Alternative Care Trust Fund (0905).....\$16,000,000

SECTION 11.385. — To the Department of Social ServicesFor the Children's Division, provided that not more than three percent (3%)
flexibility is allowed from this section to Section 11.950

For child care subsidy payments, provided that the income thresholds for
childcare subsidies shall be a full benefit for individuals with an income
which is less than or equal to 138 percent of the federal poverty level; a
benefit of 75 percent for individuals with an income which is less than or
equal to 165 percent of the federal poverty level but greater than 138 percent
of the federal poverty level; a benefit of 50 percent for individuals with an
income which is less than or equal to 190 percent of the federal poverty level
but greater than 165 percent of federal poverty level; a benefit of 25 percent
for individuals with an income which is less than or equal to 215 percent of
the federal poverty level but greater than 190 percent of federal poverty level,
and further provided that all funds available for disproportionate share rate
increases shall go only to licensed or religiously exempt in compliance
providers who are accredited or making progress toward accreditation, and
further provided the Children's Division shall reimburse providers more
frequently than one month in arrears

From General Revenue Fund (0101)\$22,463,167

From Department of Social Services Federal Fund (0610).....121,648,290

From Temporary Assistance for Needy Families Fund (0199)8,609,442

From Early Childhood Development, Education and Care Fund (0859)7,279,101

For child care services, the general administration of the programs, including
development and implementation of automated systems to enhance time,
attendance reporting, contract compliance and payment accuracy, and to
support the Educare Program; and further provided that the Children's
Division may provide one-time funding to providers, not to exceed \$5,000
per provider, to assist providers who otherwise meet the department's
qualifications, to meet requirements for accreditation, and further provided
the Children's Division shall reimburse providers more frequently than one
month in arrears

From General Revenue Fund (0101)11,372,437

From Department of Social Services Federal Fund (0610).....30,358,120

From Temporary Assistance for Needy Families Fund (0199)1,248,073

From Early Childhood Development, Education and Care Fund (0859)295,399

For child care services to provide immediate financial assistance to child care
providers to prevent them from going out of business and to support child
care for families, including healthcare workers, first responders, and other

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

professionals in critical roles during the COVID-19 pandemic, the general administration of the programs, including development and implementation of automated systems to enhance time, attendance reporting, contract compliance and payment accuracy, and to support the Educare Program	
From Department of Social Services Federal Stimulus Fund (2355).....	66,542,726
Personal Service	
From General Revenue Fund (0101)	17,199
From Department of Social Services Federal Fund (0610).....	504,623
For early childhood development, education, and care programs for low-income families	
From General Revenue Fund (0101)	3,500,000
Total (Not to exceed 12.00 F.T.E.)	\$273,838,577

SECTION 11.400. — To the Department of Social Services

For the Division of Youth Services

For the Central Office and regional offices, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.950

Personal Service.....	\$1,277,564
Expense and Equipment.....	81,090
From General Revenue Fund (0101)	1,358,654
Personal Service.....	332,337
Expense and Equipment.....	86,672
From Temporary Assistance for Needy Families Federal Fund (0199).....	419,009
Personal Service.....	199,914
Expense and Equipment.....	13,824
From Department of Social Services Federal Fund (0610).....	213,738
Expense and Equipment	
From Youth Services Treatment Fund (0843)	999
Total (Not to exceed 39.30 F.T.E.)	\$1,992,400

SECTION 11.401. — To the Department of Social Services

For the Division of Youth Services

For paying a pandemic stipend to state employees providing direct care and support to institutionalized individuals during the COVID-19 public health emergency

From Department of Social Services Federal Stimulus Fund (2355).....	\$1,294,500
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***SECTION 11.405.** — To the Department of Social Services

For the Division of Youth Services

For treatment services, including foster care and contractual payments, provided up to \$500,000 can be used for juvenile court diversion, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.950

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Personal Service.....	\$18,693,059
Expense and Equipment.....	<u>764,045</u>
From General Revenue Fund (0101)	19,457,104
Personal Service.....	4,544,006
Expense and Equipment.....	<u>1,726,230</u>
From Temporary Assistance for Needy Families Federal Fund (0199).....	6,270,236
Personal Service.....	12,890,212
Expense and Equipment.....	<u>4,410,080</u>
From Department of Social Services Federal Fund (0610).....	17,300,292
Personal Service.....	3,395,479
Expense and Equipment.....	<u>3,854,767</u>
From DOSS Educational Improvement Fund (0620)	7,250,246
Personal Service.....	144,917
Expense and Equipment.....	<u>9,106</u>
From Health Initiatives Fund (0275).....	154,023
Expense and Equipment	
From Youth Services Products Fund (0764).....	5,000
For overtime to non-exempt state employees and/or for paying otherwise authorized personal service expenditures in lieu of such overtime payments; non-exempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds to be used to pay overtime to any other state employees	
From General Revenue Fund (0101)	926,668
For payment distribution of Social Security benefits received on behalf of youth in care	
From Division of Youth Services Child Benefits Fund (0727)	<u>200,000</u>
Total (Not to exceed 1,113.38 F.T.E.)	\$51,563,569

*I hereby veto \$1,493 DOSS Educational Improvement Fund for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$1,493 from \$3,854,767 to \$3,853,274 from DOSS Educational Improvement Fund.

From \$7,250,246 to \$7,248,753 in total from DOSS Educational Improvement Fund.

From \$51,563,569 to \$51,562,076 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 11.410. — To the Department of Social Services

For the Division of Youth Services

For incentive payments to counties for community-based treatment programs
for youth, provided that not more than three percent (3%) flexibility is
allowed from this section to Section 11.950

From General Revenue Fund (0101)	\$3,479,486
From Gaming Commission Fund (0286)	<u>500,000</u>
Total.....	\$3,979,486

***SECTION 11.600.** — To the Department of Social Services

For the MO HealthNet Division

For administrative services, provided that not more than one quarter of one
percent (0.25%) flexibility is allowed between this section and Sections
11.700, 11.715, 11.730, 11.745, 11.750, 11.760, and 11.765, and further
provided that not more than three percent (3%) flexibility is allowed from
this section to Section 11.950

Personal Service.....	\$3,306,227
Expense and Equipment.....	<u>8,718,305</u>
From General Revenue Fund (0101)	12,024,532

Personal Service.....	6,297,799
Expense and Equipment.....	<u>16,105,359</u>
From Department of Social Services Federal Fund (0610).....	22,403,158

Personal Service.....	438,972
Expense and Equipment.....	<u>55,553</u>
From Pharmacy Rebates Fund (0114)	494,525

Personal Service.....	106,191
Expense and Equipment.....	<u>232,708</u>
From Federal Reimbursement Allowance Fund (0142).....	338,899

Personal Service.....	27,764
Expense and Equipment.....	<u>356</u>
From Pharmacy Reimbursement Allowance Fund (0144)	28,120

Personal Service.....	457,696
Expense and Equipment.....	<u>41,385</u>
From Health Initiatives Fund (0275).....	499,081

Personal Service.....	90,506
Expense and Equipment.....	<u>10,281</u>
From Nursing Facility Quality of Care Fund (0271)	100,787

Personal Service.....	425,752
Expense and Equipment.....	<u>488,041</u>
From Third Party Liability Collections Fund (0120).....	913,793

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Expense and Equipment	
From Life Sciences Research Trust Fund (0763)	3,000
Personal Service	
From Missouri Rx Plan Fund (0779)	372,494
Personal Service	19,365
Expense and Equipment	128,466
From Ambulance Service Reimbursement Allowance Fund (0958)	147,831
Personal Service	46,883
Expense and Equipment	425,372
From Ground Emergency Medical Transportation Fund (0422)	472,255
Total (Not to exceed 224.20 F.T.E.)	\$37,798,475

*I hereby veto \$913 Department of Social Services Federal Fund for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$913 from \$16,105,359 to 16,104,446 from Department of Social Services Federal Fund.

From \$22,403,158 to \$22,402,245 in total from Department of Social Services Federal Fund.

From \$37,798,475 to \$37,797,562 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 11.605. — To the Department of Social Services

For the MO HealthNet Division

For clinical services management related to the administration of the MO

HealthNet Pharmacy fee-for-service and managed care programs and
administration of the Missouri Rx Plan, provided that not more than three
percent (3%) flexibility is allowed from this section to Section 11.950

Expense and Equipment	
From General Revenue Fund (0101)	\$461,917
From Department of Social Services Federal Fund (0610)	12,214,032
From Third Party Liability Collections Fund (0120)	924,911
From Missouri Rx Plan Fund (0779)	62,947
From Pharmacy Rebates Fund (0114)	1,497,648
Total	\$15,161,455

SECTION 11.610. — To the Department of Social Services

For the MO HealthNet Division

For MO HealthNet Transformation initiatives

Personal Service	\$240,000
Expense and Equipment	6,130,458
From General Revenue Fund (0101)	6,370,458

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Personal Service.....	240,000
Expense and Equipment.....	<u>27,379,318</u>
From Department of Social Services Federal Fund (0610).....	<u>27,619,318</u>
Total (Not to exceed 6.00 F.T.E.).....	\$33,989,776

SECTION 11.615. — To the Department of Social Services

For the MO HealthNet Division

For fees associated with third-party collections and other revenue maximization

cost avoidance fees

Expense and Equipment

From Department of Social Services Federal Fund (0610).....\$4,250,000

From Third Party Liability Collections Fund (0120).....4,250,000

Total.....\$8,500,000

SECTION 11.620. — To the Department of Social Services

For the MO HealthNet Division

For the operation of the information systems, provided that not more than one quarter of one percent (0.25%) flexibility is allowed between this section and Sections 11.700, 11.715, 11.730, 11.745, 11.750, 11.760, and 11.765, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.950

From General Revenue Fund (0101).....\$27,881,000

From Department of Social Services Federal Fund (0610).....76,835,985

From Health Initiatives Fund (0275).....1,591,687

From Uncompensated Care Fund (0108).....430,000

Total.....\$106,738,672

SECTION 11.625. — To the Department of Social Services

For the MO HealthNet Division

For Healthcare Technology Incentives and administration

From Federal Stimulus-Social Services Fund (2292).....\$28,000,000

SECTION 11.630. — To the Department of Social Services

For the MO HealthNet Division

For reimbursement of the allowable costs of health information technology investments of hospitals and their affiliated information networks or health information technology providers that have been authorized under a CMS-approved implementation advance planning document amendment submitted by the MO HealthNet Division

From Federal Reimbursement Allowance Fund (0142).....\$1,000,000

From Title XIX - Federal Fund (0163).....9,000,000

Total.....\$10,000,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 11.635. — To the Department of Social Services

For the MO HealthNet Division

For expenditures related to connecting eligible Medicaid providers under the Medicaid Electronic Health Record (EHR) Incentive Program to other MO HealthNet providers through a health information exchange (HIE) or other interoperable system or the costs of other activities that promote providers' use of EHR or HIE, except that no single vendor can be awarded an exclusive contract to provide said services

From General Revenue Fund (0101)	\$1,000,000
From Title XIX - Federal Fund (0163)	<u>9,000,000</u>
Total	\$10,000,000

SECTION 11.640. — To the Department of Social Services

For the MO HealthNet Division

For the Money Follows the Person Program

From Department of Social Services Federal Fund (0610)	\$532,549
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SECTION 11.700. — To the Department of Social Services

For the MO HealthNet Division, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.950

For pharmaceutical payments under the MO HealthNet fee-for-service program, professional fees for pharmacists, and for a comprehensive chronic care risk management program, provided that not more than ten percent (10%) flexibility is allowed between this subsection and Sections 11.700, 11.715, 11.720, 11.725, 11.730, 11.745, 11.755, 11.760, 11.765, 11.785, 11.800, 11.805, and 11.815, and further provided that not more than one quarter of one percent (0.25%) flexibility is allowed between this subsection and Sections 11.600 and 11.620

From General Revenue Fund (0101)	\$146,441,080
From Title XIX - Federal Fund (0163)	810,989,376
From Life Sciences Research Trust Fund (0763)	5,576,108
From Pharmacy Rebates Fund (0114)	256,176,681
From Third Party Liability Collections Fund (0120)	4,217,574
From Pharmacy Reimbursement Allowance Fund (0144)	24,650,223
From Health Initiatives Fund (0275)	3,543,350
From Premium Fund (0885)	3,800,000

For Medicare Part D Clawback payments, provided that not more than ten percent (10%) flexibility is allowed between this subsection and Sections 11.700, 11.715, 11.720, 11.725, 11.730, 11.745, 11.755, 11.760, 11.765, 11.785, 11.800, 11.805, and 11.815, and further provided that not more than one quarter of one percent (0.25%) flexibility is allowed between this subsection and Sections 11.600 and 11.620

From General Revenue Fund (0101)	<u>230,978,651</u>
Total	\$1,486,373,043

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 11.702. — To the Department of Social Services

For the MO HealthNet Division

Funds are to be transferred out of the State Treasury to the Federal Budget

Stabilization Fund and/or the General Revenue Fund

From the FMAP Enhancement Fund (0181)\$158,000,000

SECTION 11.705. — To the Department of Social Services

For the MO HealthNet Division

For the purpose of funding pharmaceutical payments under the Missouri Rx Plan

authorized by Sections 208.780 through 208.798, RSMo

From General Revenue Fund (0101)\$3,054,059

From Missouri Rx Plan Fund (0779)..... 2,788,774

Total.....\$5,842,833

SECTION 11.710. — To the Department of Social Services

For the MO HealthNet Division

For Pharmacy Reimbursement Allowance payments as provided by law

From Pharmacy Reimbursement Allowance Fund (0144)\$65,000,000

SECTION 11.715. — To the Department of Social Services

For the MO HealthNet Division

For physician services and related services including, but not limited to, clinic and podiatry services, telemedicine services, physician-sponsored services and fees, laboratory and x-ray services, asthma related services, diabetes prevention and obesity related services, services provided by chiropractic physicians, and family planning services under the MO HealthNet fee-for-service program, and for a comprehensive chronic care risk management program, and Major Medical Prior Authorization, and the program of All-Inclusive Care for the Elderly, provided that not more than ten percent (10%) flexibility is allowed between this subsection and Sections 11.700, 11.715, 11.720, 11.725, 11.730, 11.745, 11.755, 11.760, 11.765, 11.785, 11.800, 11.805, and 11.815, and further provided that not more than one quarter of one percent (0.25%) flexibility is allowed between this section and Sections 11.600 and 11.620

From General Revenue Fund (0101)\$210,996,986

From Title XIX - Federal Fund (0163).....352,799,915

From Pharmacy Reimbursement Allowance Fund (0144) 10,000

From Health Initiatives Fund (0275)..... 1,427,081

From Healthy Families Trust Fund (0625).....2,159,006

From Third Party Liability Collections Fund (0120)..... 241,046

For a pilot program that focuses on providing clinical and case management support for pregnant women who are opioid addicted or display key risk factors which indicate a likelihood for addiction; the primary objective of such program(s) shall be avoiding births requiring extraordinary care due to

Neonatal Abstinence Syndrome; the secondary objective is the treatment of the mother for substance use	
From General Revenue Fund (0101)	487,787
From Title XIX - Federal Fund (0163)	911,206

For a supplemental case management fee to support evidence-based, limited duration mental health treatments to children who have experienced severe physical, sexual, or emotional trauma as a result of abuse or neglect, provided that providers of these evidence-based services document appropriate training or certification in these models	
From General Revenue Fund (0101)	430,150
From Title XIX - Federal Fund (0163)	819,850
Total	\$570,283,027

SECTION 11.720. — To the Department of Social Services

For the MO HealthNet Division

For dental services under the MO HealthNet fee-for-service program, including adult dental procedure codes (Tier 1-6), provided that not more than ten percent (10%) flexibility is allowed between this section and Sections 11.700, 11.715, 11.720, 11.725, 11.730, 11.745, 11.755, 11.760, 11.765, 11.785, 11.800, 11.805, and 11.815	
From General Revenue Fund (0101)	\$1,772,622
From Title XIX - Federal Fund (0163)	3,569,762
From Health Initiatives Fund (0275)	71,162
Total	\$5,413,546

SECTION 11.725. — To the Department of Social Services

For the MO HealthNet Division

For payments to third-party insurers, employers, or policyholders for health insurance, provided that not more than ten percent (10%) flexibility is allowed between this section and Sections 11.700, 11.715, 11.720, 11.725, 11.730, 11.745, 11.755, 11.760, 11.765, 11.785, 11.800, 11.805, and 11.815, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.950	
From General Revenue Fund (0101)	\$87,949,018
From Title XIX - Federal Fund (0163)	183,111,439
Total	\$271,060,457

SECTION 11.730. — To the Department of Social Services

For the MO HealthNet Division

For funding long-term care services

For care in nursing facilities under the MO HealthNet fee-for-service program and for contracted services to develop model policies and practices that improve the quality of life for long-term care residents, provided that not more than ten percent (10%) flexibility is allowed between this subsection and Sections 11.700, 11.715, 11.720, 11.725, 11.730, 11.745, 11.755,

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

11.760, 11.765, 11.785, 11.800, 11.805, and 11.815, and further provided that not more than one quarter of one percent (0.25%) flexibility is allowed between this subsection and Sections 11.600 and 11.620

From General Revenue Fund (0101)	\$160,169,655
From Title XIX - Federal Fund (0163)	421,834,331
From Uncompensated Care Fund (0108)	58,516,478
From Third Party Liability Collections Fund (0120)	6,992,981

For funds to compensate all Nursing Homes for an additional amount of \$24.88 per Medicaid patient per day as long as Missouri or the United States remain in the current emergency declaration and to compensate any Nursing Home that has an active COVID-19 case for an additional amount of \$19.63 per Medicaid patient per day during the period in which a nursing home has at least one confirmed positive COVID-19 test on the premises. The total increase shall not exceed \$44.51 per Medicaid patient per day and shall be effective on March 1, 2020

From Department of Social Services Federal Stimulus Fund (2355)	90,000,000
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For home health for the elderly under the MO HealthNet fee-for-service program, provided that not more than ten percent (10%) flexibility is allowed between this subsection and Sections 11.700, 11.715, 11.720, 11.725, 11.730, 11.745, 11.755, 11.760, 11.765, 11.785, 11.800, 11.805, and 11.815, and further provided that not more than one quarter of one percent (0.25%) flexibility is allowed between this subsection and Sections 11.600 and 11.620

From General Revenue Fund (0101)	1,320,551
From Title XIX - Federal Fund (0163)	2,845,981
From Health Initiatives Fund (0275)	159,305
Total	\$741,839,282

SECTION 11.735. — To the Department of Social Services

For the MO HealthNet Division

For Nursing Facility Reimbursement Allowance payments as provided by law

From Nursing Facility Reimbursement Allowance Fund (0196)	\$364,882,362
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SECTION 11.740. — To the Department of Social Services

For the MO HealthNet Division

For publicly funded long-term care services and support contracts and funding supplemental payments for care in nursing facilities under the nursing facility upper payment limit

From Title XIX - Federal Fund (0163)	\$7,182,390
From Long Term Support UPL Fund (0724)	3,768,378
Total	\$10,950,768

SECTION 11.745. — To the Department of Social Services

For the MO HealthNet Division

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For all other non-institutional services including, but not limited to, rehabilitation, optometry, audiology, ambulance, non-emergency medical transportation, durable medical equipment, and eyeglasses under the MO HealthNet fee-for-service program, and for rehabilitation services provided by residential treatment facilities as authorized by the Children's Division for children in the care and custody of the Children's Division, provided that not more than ten percent (10%) flexibility is allowed between this subsection and Sections 11.325, 11.700, 11.715, 11.720, 11.725, 11.730, 11.745, 11.755, 11.760, 11.765, 11.785, 11.800, 11.805, and 11.815, and further provided that not more than one quarter of one percent (0.25%) flexibility is allowed between this subsection and Sections 11.600 and 11.620, and further provided that not more than twenty percent (20%) flexibility is allowed from this subsection to any other subsection in this section for payments for on-site treatment services provided by advanced practice paramedics

From General Revenue Fund (0101)	\$79,234,108
From Title XIX - Federal Fund (0163).....	186,367,648
From Nursing Facility Reimbursement Allowance Fund (0196).....	1,414,043
From Health Initiatives Fund (0275).....	194,881
From Ambulance Service Reimbursement Allowance Fund (0958).....	25,422,966

For non-emergency medical transportation, provided that not more than ten percent (10%) flexibility is allowed between this subsection and Sections 11.700, 11.715, 11.720, 11.725, 11.730, 11.745, 11.755, 11.760, 11.765, 11.785, 11.800, 11.805, and 11.815, and further provided that not more than one quarter of one percent (0.25%) flexibility is allowed between this subsection and Sections 11.600 and 11.620

From General Revenue Fund (0101)	16,324,558
From Title XIX - Federal Fund (0163).....	30,168,353

For the federal share of MO HealthNet reimbursable non-emergency medical transportation for public entities

From Title XIX - Federal Fund (0163).....	6,460,100
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For the adoption of a new CPT code for, and making payment under said code to, emergency service providers who provide on-site treatment to MO HealthNet recipients who would otherwise be transported to an emergency department via ambulance service, but such service is rendered unnecessary by virtue of on-site service and such payment shall be less than would otherwise be provided had the patient been transported to the emergency department, provided that the department shall request any state plan amendment, waiver, or regulation necessary to implement the new code, and further provided that any payments under said state plan amendment, waiver, or regulation shall be budget neutral to overall state and federal spending

From General Revenue Fund (0101)	496,672
From Title XIX - Federal Fund (0163)	<u>927,803</u>
Total	\$347,011,132

SECTION 11.750. — To the Department of Social Services

For the MO HealthNet Division

For payments to providers of ground emergency medical transportation, provided that not more than one quarter of one percent (0.25%) flexibility is allowed between this subsection and Sections 11.600 and 11.620

From Ground Emergency Medical Transportation Fund (0422)	\$29,274,419
From Title XIX - Federal Fund (0163)	<u>54,685,827</u>
Total	\$83,960,246

SECTION 11.755. — To the Department of Social Services

For the MO HealthNet Division

For complex rehabilitation technology items classified within the Medicare program as of January 1, 2014 as durable medical equipment that are individually configured for individuals to meet their specific and unique medical, physical, and functional needs and capacities for basic activities of daily living and instrumental activities of daily living identified as medically necessary to prevent hospitalization and/or institutionalization of a complex needs patient; such items shall include, but not be limited to, complex rehabilitation power wheelchairs, highly configurable manual wheelchairs, adaptive seating and positioning systems, and other specialized equipment such as standing frames and gait trainers, provided that not more than ten percent (10%) flexibility is allowed between this section and Sections 11.700, 11.715, 11.720, 11.725, 11.730, 11.745, 11.755, 11.760, 11.765, 11.785, 11.800, 11.805, and 11.815, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.950

From General Revenue Fund (0101)	\$4,028,101
From Title XIX - Federal Fund (0163)	<u>7,489,060</u>
Total	\$11,517,161

SECTION 11.760. — To the Department of Social Services

For the MO HealthNet Division

For payment to comprehensive prepaid health care plans as provided by federal or state law or for payments to programs authorized by the Frail Elderly Demonstration Project Waiver as provided by the Omnibus Budget Reconciliation Act of 1990 (P.L. 101-508, section 4744) and by Section 208.152 (16), RSMo, provided that the department shall implement programs or measures to achieve cost-savings through emergency room services reform, and further provided that MO HealthNet eligibles described in Section 501(a)(1)(D) of Title V of the Social Security Act may voluntarily enroll in the Managed Care Program, and further provided that not more than ten percent (10%) flexibility is allowed between this section and Sections 11.700, 11.715, 11.720, 11.725, 11.730, 11.745, 11.755, 11.760, 11.765,

11.785, 11.800, 11.805, and 11.815, and further provided that not more than one quarter of one percent (0.25%) flexibility is allowed between this section and Sections 11.600 and 11.620

From General Revenue Fund (0101)	\$373,959,889
From Title XIX - Federal Fund (0163)	1,238,221,153
From CHIP Increased Enhancement Fund (0492)	18,750,000
From Uncompensated Care Fund (0108)	33,848,436
From Health Initiatives Fund (0275)	18,590,380
From Federal Reimbursement Allowance Fund (0142)	150,859,769
From Healthy Families Trust Fund (0625)	22,883,390
From Life Sciences Research Trust Fund (0763)	27,790,024
From Premium Fund (0885)	9,259,854
From Ambulance Service Reimbursement Allowance Fund (0958)	1,702,257

For supplemental Medicare parity payments to primary care physicians relating to maternal-fetal medicine, neonatology, and pediatric cardiology

From General Revenue Fund (0101)	1,022,295
From Title XIX - Federal Fund (0163)	1,915,590

For a pilot program to seek a waiver or state plan amendment to provide postpartum care for up to twelve (12) months to women with substance use disorder, provided the cost of the program funded by state match shall not exceed \$750,000, and further provided that this program shall be budget neutral to overall state and federal spending

From General Revenue Fund (0101)	387,931
From Title XIX - Federal Fund (0163)	921,754
From Federal Reimbursement Allowance Fund (0142)	95,664

For supplemental payments to Tier 1 Safety Net Hospitals, or to any affiliated physician group that provides physicians for any Tier 1 Safety Net Hospital, for physician and other healthcare professional services as approved by the Centers for Medicare and Medicaid Services

From Title XIX - Federal Fund (0163)	17,757,013
From Department of Social Services Intergovernmental Transfer Fund (0139)	9,316,558
Total	\$1,927,281,957

***SECTION 11.765.** — To the Department of Social Services

For the MO HealthNet Division

For hospital care under the MO HealthNet fee-for-service program, and for a comprehensive chronic care risk management program, provided that the MO HealthNet Division shall track payments to out-of-state hospitals by location, and further provided the department seek a waiver of the institutions for mental disease (IMD) exclusion for inpatient mental health treatment for MO HealthNet participants in psychiatric hospitals pursuant to Section 12003 of the 21st Century Cures Act with the state share through the

federal reimbursement allowance, and further provided that not more than ten percent (10%) flexibility is allowed between this subsection and Sections 11.700, 11.715, 11.720, 11.725, 11.730, 11.745, 11.755, 11.760, 11.765, 11.785, 11.800, 11.805, and 11.815, and further provided that not more than one quarter of one percent (0.25%) flexibility is allowed between this section and Sections 11.600 and 11.620, and further provided that not more than twenty percent (20%) flexibility is allowed from this section to any subsection in Section 11.745 for payments for on-site treatment services provided by advanced practice paramedics

From General Revenue Fund (0101)	\$58,692,775
From Title XIX - Federal Fund (0163)	407,791,883
From Federal Reimbursement Allowance Fund (0142)	142,661,480
From Pharmacy Reimbursement Allowance Fund (0144)	15,709

For Safety Net Payments

From Healthy Families Trust Fund (0625)	30,365,444
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For Graduate Medical Education

From Healthy Families Trust Fund (0625)	10,000,000
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For the Remote Patient Monitoring program that includes in-home visits and/or phone contact by a nurse care manager or electronic monitor; the purpose of such program shall be to ensure that patients are discharged from hospitals to an appropriate level of care and services and that targeted MO HealthNet beneficiaries with chronic illnesses and high-risk pregnancies receive care in the most cost-effective setting

From General Revenue Fund (0101)	200,000
From Title XIX - Federal Fund (0163)	400,000
From Federal Reimbursement Allowance Fund (0142)	200,000

For the Rx Reminder program, facilitating medication compliance for chronically ill MO HealthNet participants identified by the division as having high utilization of acute care because of poor management of their condition

From General Revenue Fund (0101)	200,000
From Title XIX - Federal Fund (0163)	415,000
From Federal Reimbursement Allowance Fund (0142)	215,000
Total	\$651,157,291

*I hereby veto \$400,000, including \$200,000 general revenue, for the Remote Patient Monitoring Program. This funding was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic. Additionally, this is a longstanding pilot program that has never been expanded statewide.

For the Remote Patient Monitoring program.

From \$200,000 to \$0 from General Revenue Fund.

From \$400,000 to \$200,000 from Title XIX - Federal Fund.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

I hereby veto \$400,000, including \$200,000 general revenue, for the Rx Reminder Program. This funding was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic. Additionally, this is a longstanding pilot program that has never been expanded statewide.

For the Rx Reminder program.

From \$200,000 to \$0 from General Revenue Fund.

From \$415,000 to \$215,000 from Title XIX - Federal Fund.

From \$651,157,291 to \$650,357,291 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 11.770. — To the Department of Social Services

For the MO HealthNet Division

For payment to Tier 1 Safety Net Hospitals, by maximizing eligible costs for federal Medicaid funds, utilizing current state and local funding sources as match for services that are not currently matched with federal Medicaid payments

From Title XIX - Federal Fund (0163).....	\$16,113,590
From Department of Social Services Intergovernmental Transfer Fund (0139).....	<u>209,202</u>
Total.....	\$16,322,792

***SECTION 11.775.** — To the Department of Social Services

For the MO HealthNet Division, provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.950

For grants to Federally Qualified Health Centers

From General Revenue Fund (0101)	\$257,732
From Department of Social Services Federal Stimulus Fund (2355).....	157,000

For a community health worker initiative that focuses on providing casework services to high utilizers of MO HealthNet services

From General Revenue Fund (0101)	1,500,000
From Title XIX - Federal Fund (0163).....	1,500,000

For women and minority health care outreach programs, and provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.950

Expense and Equipment

From General Revenue Fund (0101)	529,796
From Department of Social Services Federal Fund (0610).....	<u>568,625</u>
Total.....	\$4,513,153

*I hereby veto \$157,000 Department of Social Services Federal Stimulus Fund for a psychologist for the Samuel Rodgers Federally Qualified Health Center in Kansas City. This funding was not

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

part of my budget recommendations. This funding was directed toward one specific Federally Qualified Health Center rather than being distributed across all centers equally. Additionally, federally Qualified Health Centers have access to other federal funding streams to respond to the COVID-19 pandemic.

For grants to Federally Qualified Health Centers.

From \$157,000 to \$0 from Department of Social Services Federal Stimulus Fund.

From \$4,513,153 to \$4,356,153 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 11.780. — To the Department of Social Services

For the MO HealthNet Division

For payments to technical assistance contractors under Section 330(l) or 330(m) of the Public Health Services Act to assist Federally Qualified Health Centers (FQHCs) with outreach and engagement of Medicaid beneficiaries assigned to FQHCs, for addressing gaps in preventive services and management of chronic conditions, and for incentive payments, provided that 100% flexibility is allowed to Section 11.760 for payments to managed care organizations for technical assistance contractors

From General Revenue Fund (0101)	\$1,968,150
From Title XIX - Federal Fund (0163)	<u>3,676,585</u>
Total	\$5,644,735

SECTION 11.785. — To the Department of Social Services

For the MO HealthNet Division

For health homes, provided that not more than ten percent (10%) flexibility is allowed between this section and Sections 11.700, 11.715, 11.720, 11.725, 11.730, 11.745, 11.755, 11.760, 11.765, 11.785, 11.800, 11.805, and 11.815

From General Revenue Fund (0101)	\$5,425,296
From Title XIX - Federal Fund (0163)	14,739,899
From Federal Reimbursement Allowance Fund (0142)	<u>5,810,121</u>
Total	\$25,975,316

SECTION 11.790. — To the Department of Social Services

For the MO HealthNet Division

For payments to hospitals under the Federal Reimbursement Allowance Program including state costs to pay for an independent audit of Disproportionate Share Hospital payments as required by the Centers for Medicare and Medicaid Services, for the expenses of the Poison Control Center in order to provide services to all hospitals within the state, and for the Gateway to Better Health 1115 Demonstration

For a continuation of the services provided through Medicaid Emergency Psychiatric Demonstration as required by Section 208.152(16), RSMo

From Federal Reimbursement Allowance Fund (0142)	\$1,728,243,278
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EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 11.795. — To the Department of Social Services

For the MO HealthNet Division

For payments to the Tier 1 Safety Net Hospitals and other public hospitals using
intergovernmental transfers

From Title XIX - Federal Fund (0163).....\$24,842,277

From Department of Social Services Intergovernmental Transfer Fund
(0139)..... 13,298,569

Total.....\$38,140,846

SECTION 11.800. — To the Department of Social Services

For the MO HealthNet Division

For funding programs to enhance access to care for uninsured children using fee-

for-services, prepaid health plans, or other alternative service delivery and reimbursement methodology approved by the director of the Department of Social Services, provided that families of children receiving services under this section shall pay the following premiums to be eligible to receive such services: zero percent on the amount of a family's income which is less than or equal to 150 percent of the federal poverty level; four percent on the amount of a family's income which is less than or equal to 185 percent of the federal poverty level but greater than 150 percent of the federal poverty level; eight percent on the amount of a family's income which is less than or equal to 225 percent of the federal poverty level but greater than 185 percent of the federal poverty level; fourteen percent on the amount of a family's income which is less than or equal to 300 percent of the federal poverty level but greater than 225 percent of the federal poverty level not to exceed five percent of total income; families with an annual income of more than 300 percent of the federal poverty level are ineligible for this program, provided that not more than ten percent (10%) flexibility is allowed between this section and Sections 11.700, 11.715, 11.720, 11.725, 11.730, 11.745, 11.755, 11.760, 11.765, 11.785, 11.800, 11.805, and 11.815

From General Revenue Fund (0101).....\$19,950,207

From Title XIX - Federal Fund (0163)..... 85,146,070

From Federal Reimbursement Allowance Fund (0142)..... 7,719,204

Total.....\$112,815,481

SECTION 11.805. — To the Department of Social Services

For the MO HealthNet Division

For the Show-Me Healthy Babies Program authorized by Section 208.662, RSMo, provided that not more than ten percent (10%) flexibility is allowed between this section and Sections 11.700, 11.715, 11.720, 11.725, 11.730, 11.745, 11.755, 11.760, 11.765, 11.785, 11.800, 11.805, and 11.815, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.950

From General Revenue Fund (0101).....\$9,646,951

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

From Title XIX - Federal Fund (0163).....	29,611,153
From Department of Social Services Federal Fund (0610).....	<u>20,000</u>
Total.....	\$39,278,104

SECTION 11.810. — To the Department of Social Services

For the MO HealthNet Division

For MO HealthNet services for the Department of Elementary and Secondary
Education under the MO HealthNet fee-for-service program

From General Revenue Fund (0101)	\$242,525
From Title XIX - Federal Fund (0163).....	<u>41,653,770</u>
Total.....	\$41,896,295

SECTION 11.815. — To the Department of Social Services

For the MO HealthNet Division

For medical benefits for blind individuals ineligible for MO HealthNet coverage who receive the Missouri Blind Pension cash grant, provided that individuals under this section shall pay the following premiums to be eligible to receive such services: zero percent on the amount of a family's income which is less than 150 percent of the federal poverty level; four percent on the amount of a family's income which is less than 185 percent of the federal poverty level but greater than or equal to 150 percent of the federal poverty level; eight percent of the amount on a family's income which is less than 225 percent of the federal poverty level but greater than or equal to 185 percent of the federal poverty level; fourteen percent on the amount of a family's income which is less than 300 percent of the federal poverty level but greater than or equal to 225 percent of the federal poverty level not to exceed five percent of total income; families with an annual income equal to or greater than 300 percent of the federal poverty level are ineligible for this program, and further provided that not more than ten percent (10%) flexibility is allowed between this section and Sections 11.700, 11.715, 11.720, 11.725, 11.730, 11.745, 11.755, 11.760, 11.765, 11.785, 11.800, 11.805, and 11.815, and further provided that not more than three percent (3%) flexibility is allowed from this section to Section 11.950

From General Revenue Fund (0101)	\$21,274,410
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SECTION 11.820. — To the Department of Social ServicesFunds are to be transferred out of the State Treasury to the General Revenue
Fund

From CHIP Increased Enhancement Fund (0492)	\$35,280,998
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SECTION 11.850. — To the Department of Social ServicesFunds are to be transferred out of the State Treasury to the General Revenue
Fund for the purpose of providing the state match for Medicaid payments

From Department of Social Services Intergovernmental Transfer Fund (0139).....	\$137,074,165
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EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 11.855. — To the Department of Social Services

For the MO HealthNet Division

For payments to the Department of Mental Health

From Title XIX - Federal Fund (0163).....\$500,077,646

From Department of Social Services Intergovernmental Transfer Fund

(0139).....203,482,221

Total.....\$703,559,867

SECTION 11.860. — To the Department of Social Services

Funds are to be transferred out of the State Treasury to the Pharmacy

Reimbursement Allowance Fund

From General Revenue Fund (0101)\$38,737,111

SECTION 11.865. — To the Department of Social Services

Funds are to be transferred out of the State Treasury to the General Revenue

Fund

From Pharmacy Reimbursement Allowance Fund (0144)\$38,737,111

SECTION 11.870. — To the Department of Social Services

Funds are to be transferred out of the State Treasury to the Ambulance

Service Reimbursement Allowance Fund

From General Revenue Fund (0101)\$20,837,332

SECTION 11.875. — To the Department of Social Services

Funds are to be transferred out of the State Treasury to the General Revenue

Fund

From Ambulance Service Reimbursement Allowance Fund (0958)\$20,837,332

SECTION 11.880. — To the Department of Social Services

Funds are to be transferred out of the State Treasury to the Federal

Reimbursement Allowance Fund

From General Revenue Fund (0101)\$653,701,378

SECTION 11.885. — To the Department of Social Services

Funds are to be transferred out of the State Treasury to the General Revenue

Fund

From Federal Reimbursement Allowance Fund (0142).....\$653,701,378

SECTION 11.890. — To the Department of Social Services

Funds are to be transferred out of the State Treasury to the Nursing Facility

Reimbursement Allowance Fund

From General Revenue Fund (0101)\$210,950,510

SECTION 11.895. — To the Department of Social Services

Funds are to be transferred out of the State Treasury to the General Revenue

Fund

From Nursing Facility Reimbursement Allowance Fund (0196).....\$210,950,510

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 11.900. — To the Department of Social Services

Funds are to be transferred out of the State Treasury to the Nursing Facility
Quality of Care Fund

From Nursing Facility Reimbursement Allowance Fund (0196).....\$1,500,000

SECTION 11.950. — To the Department of Social Services

Funds are to be transferred out of the State Treasury, for the payment of
claims, premiums, and expenses as provided by Section 105.711 through
105.726, RSMo, to the State Legal Expense Fund

From General Revenue Fund (0101)\$1

PART 2**SECTION 11.902.** — To the Department of Social Services

In reference to Sections 11.315, 11.325, 11.340, 11.345, 11.385 and 11.405
of Part 1 of this act:

No funds shall be expended in furtherance of provider rates greater than the
rate in effect on January 1, 2020, except for the outdoor learning foster care
program in Section 11.325.

SECTION 11.905. — To the Department of Social Services

In reference to Sections 11.715, 11.720, 11.755, and 11.785 of Part 1 of this
act:

No funds shall be expended in furtherance of provider rates greater than the
rate in effect on January 1, 2020, except for Certified Community Behavioral
Health Clinics, for whom no funds shall be expended in furtherance of
actuarial rates greater than those approved by the Department of Mental
Health.

SECTION 11.910. — To the Department of Social Services

In reference to Sections 11.730 and 11.735 of Part 1 of this act:

No funds shall be expended in furtherance of nursing facility provider rates
greater than the per bed day rate in effect August 1, 2019 less \$0.12 per bed
day, except for provider retention initiatives related to Coronavirus Disease
2019 (COVID-19). No funds shall be expended in furtherance of home
health provider rates greater than the rate in effect on January 1, 2020.

SECTION 11.915. — To the Department of Social Services

In reference to Section 11.745 of Part 1 of this act:

No funds shall be expended in furtherance of provider rates greater than the
rate in effect on January 1, 2020, except for providers of ground ambulance
services for whom no funds shall be expended in furtherance of the rate
greater than a \$45.00 base rate increase from the rate in effect January 1,
2020, except for providers of non-emergency medical transportation for MO
HealthNet and Department of Mental Health for whom no funds shall be
expended in furtherance of provider rates greater than the lower bound
actuarial soundness rate, and further excepting providers of hospice care, for

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

whom no funds shall be expended in furtherance of room and board rates greater than 0.35% above the rate in effect on January 1, 2019, and no greater than 95% of the nursing facility per diem rate for room and board for services provided in a nursing facility, except for provider retention initiatives related to Coronavirus Disease 2019 (COVID-19).

SECTION 11.917. — To the Department of Social Services

In reference to Section 11.750 of Part 1 of this act:

No funds shall be expended in furtherance of providers of ground emergency medical transportation greater than the lower bound actuarial soundness rate.

SECTION 11.918. — To the Department of Social Services

In reference to Section 11.760 of Part 1 of this act:

No funds shall be expended in furtherance of managed care contract rates greater than the lower bound actuarial soundness rate.

SECTION 11.920. — To the Department of Social Services

In reference to all sections in Part 1 of this act:

No funds shall be expended for the purpose of Medicaid expansion as outlined under the Affordable Care Act.

PART 3

SECTION 11.926. — To the Department of Social Services

In reference to Section 11.760 of Part 1 and Part 2 of this act:

Contract changes shall be provided in writing, prior to submission to the Centers for Medicare and Medicaid Services, to the House Budget and Senate Appropriation Committee Chairs.

SECTION 11.927. — To the Department of Social Services

In reference to all sections in Part 1 and Part 2 of this act:

The Department shall provide written notification prior to submission to the federal government of state plans and state plan amendments, grant applications, and Medicaid waivers to the House Budget and Senate Appropriation Committee Chairs.

SECTION 11.930. — To the Department of Social Services

In reference to all sections in Part 1 and Part 2 of this act:

No funds shall be expended to any clinic, physician's office, or any other place or facility in which abortions are performed or induced other than a hospital, or any affiliate or associate of any such clinic, physician's office, or place or facility in which abortions are performed or induced other than a hospital.

Bill Totals

General Revenue Fund.....	\$1,893,074,781
Federal Funds.....	5,402,431,431

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Other Funds.....	3,339,834,599
Total.....	\$10,635,340,811

Approved June 30, 2020

CCS SCS HS HCS HB 2012

Appropriates money for expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender

AN ACT to appropriate money for expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2020, and ending June 30, 2021.

Be it enacted by the General Assembly of the state of Missouri, as follows:

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, fund transfer, and program described herein for the item or items stated, and for no other purpose whatsoever, chargeable to the fund designated, for the period beginning July 1, 2020, and ending June 30, 2021, as follows:

***SECTION 12.005.** — To the Governor

Personal Service and/or Expense and Equipment

From General Revenue Fund (0101)	\$2,680,172
From DOLIR Administrative Fund (0122)	53,418
From Department of Mental Health Federal Fund (0148)	3,575
From Division of Tourism Supplemental Revenue Fund (0274)	25,441
From Gaming Commission Fund (0286)	6,851
From DNR Cost Allocation Fund (0500)	42,682
From State Facility Maintenance and Operation Fund (0501)	18,836
From DCI Administrative Fund (0503)	14,509
From Department of Economic Development Administrative Fund (0547)	31,521

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

From Division of Finance Fund (0550).....	6,925
From Insurance Dedicated Fund (0566).....	11,687
From Professional Registration Fees Fund (0689)	40,150
From Agriculture Protection Fund (0970).....	36,999

Personal Service and/or Expense and Equipment for the Mansion	
From General Revenue Fund (0101)	<u>100,791</u>
Total (Not to exceed 36.50 F.T.E.)	\$3,073,557

*I hereby veto \$414 general revenue for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Personal Service and/or Expense and Equipment by \$414 from \$2,680,172 to \$2,679,758 from General Revenue Fund.

From \$3,073,557 to \$3,073,143 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 12.010. — To the Governor

For expenses incident to emergency duties performed by the National Guard
when ordered out by the Governor

From General Revenue Fund (0101)	\$4,000,001
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SECTION 12.015. — To the Governor

For conducting special audits

From General Revenue Fund (0101)	\$30,000
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***SECTION 12.025.** — To the Lieutenant Governor

Personal Service and/or Expense and Equipment

From General Revenue Fund (0101)	\$631,721
From Missouri Arts Council Trust Fund (0262).....	41,233

For a library and museum, located in a home rule city with more than one
hundred sixteen thousand but fewer than one hundred fifty-five thousand
inhabitants, which promotes awareness and presidents from Missouri

From General Revenue Fund (0101)	<u>1,000,000</u>
Total (Not to exceed 8.00 F.T.E.).....	\$1,672,954

*I hereby veto \$1,025 general revenue for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Personal Service and/or Expense and Equipment by \$1,025 from \$631,721 to \$630,696 from General Revenue Fund.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

I hereby veto \$1,000,000 general revenue for the Harry S. Truman Presidential Library and Museum. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

For a library and museum, located in a home rule city with more than one hundred sixteen thousand but fewer than one hundred fifty-five thousand inhabitants, which promotes awareness and presidents from Missouri.

From \$1,000,000 to \$0 from General Revenue Fund.

From \$1,672,954 to \$671,929 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 12.030.** — To the Lieutenant Governor

For the Missouri State Council on the Arts, provided that ten percent (10%) flexibility is allowed between personal service and expense and equipment

Personal Service.....\$366,933

Expense and Equipment.....632,568

From Department of Economic Development- Missouri Council on the Arts Federal Fund (0138) 999,501

Personal Service..... 590,087

Expense and Equipment.....4,434,763

From Missouri Arts Council Trust Fund (0262) 5,024,850

Expense and Equipment

From Lieutenant Governor Federal Stimulus Fund (2370)..... 517,000

For grants to public television and radio stations as provided in Section 143.183, RSMo

From Missouri Public Broadcasting Corporation Special Fund (0887)..... 1,010,000

For the Missouri Humanities Council

Expense and Equipment

From the Missouri Humanities Council Trust Fund (0177) 1,260,000

Program Distribution

From Lieutenant Governor Federal Stimulus Fund (2370)..... 605,000

For a museum that commemorates the contributions of African-Americans to the sport of baseball, provided that \$100,000 fund the Historical Education Center

Expense and Equipment

From the Missouri Humanities Council Trust Fund (0177)..... 250,000

For an Urban Academy, located within a home rule city with more than 400,000 inhabitants and located in more than one county, which provides athletic programming targeting underserved youth

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

From MO Humanities Council Trust Fund (0177).....	50,000
Total (Not to exceed 15.00 F.T.E.)	\$9,716,351

*I hereby veto \$487 federal and other funds for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$27 from \$632,568 to \$632,541 from Department of Economic Development - Missouri Council on the Arts Federal Fund.

From \$999,501 to \$999,474 in total from Department of Economic Development - Missouri Council on the Arts Federal Fund.

Expense and Equipment by \$460 from \$4,434,763 to \$4,434,303 from Missouri Arts Council Trust Fund.

From \$5,024,850 to \$5,024,390 in total from Missouri Arts Council Trust Fund.

From \$9,716,351 to \$9,715,864 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 12.035. — To the Lieutenant Governor

Funds are to be transferred out of the State Treasury to the Missouri Arts Council Trust Fund as authorized by Sections 143.183 and 185.100, RSMo

From General Revenue Fund (0101)\$4,835,161

SECTION 12.040. — To the Lieutenant Governor

Funds are to be transferred out of the State Treasury to the Missouri Humanities Council Trust Fund as authorized by Sections 143.183 and 186.065, RSMo

From General Revenue Fund (0101)\$1,200,000

SECTION 12.045. — To the Lieutenant Governor

Funds are to be transferred out of the State Treasury to the Missouri Public Broadcasting Corporation Special Fund as authorized by Section 143.183, RSMo

From General Revenue Fund (0101)\$800,000

SECTION 12.055. — To the Secretary of State

Personal Service and/or Expense and Equipment

From General Revenue Fund (0101)\$9,602,830

From Election Administration Improvements Fund (0157) 291,401

From Secretary of State - Federal Fund (0195)..... 419,162

From Secretary of State's Technology Trust Fund Account (0266) 3,554,247

From Local Records Preservation Fund (0577)..... 1,399,166

From Investor Education and Protection Fund (0829) 1,244,550

From Wolfner Library Trust Fund (0928)..... 30,000

Total (Not to exceed 267.30 F.T.E.)\$16,541,356

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 12.060. — To the Secretary of State

For the purpose of receiving and expending grants, donations, contracts, and payments from private, federal, or other governmental agencies provided that the General Assembly shall be notified of the source of any new funds and the purpose for which they will be expended, in writing, prior to the expenditure of said funds

From Secretary of State - Federal Fund (0166)..... \$200,000

SECTION 12.065. — To the Secretary of State

For refunds of securities, corporations, uniform commercial code, and miscellaneous collections of the Secretary of State's Office

From General Revenue Fund (0101) \$50,000

From Secretary of State's Technology Trust Fund Account (0266) 10,000

Total..... \$60,000

SECTION 12.070. — To the Secretary of State

For reimbursement to victims of securities fraud and other violations pursuant to Section 409.6-603, RSMo

From Investor Restitution Fund (0741) \$2,000,000

SECTION 12.075. — To the Secretary of State

For implementation of the Missouri Family Trust Company Act

From Family Trust Company Fund (0810) \$20,000

SECTION 12.080. — To the Secretary of State

For expenses of initiative referendum and constitutional amendments, provided that ten percent (10%) flexibility is allowed from this section to Section 12.115

From General Revenue Fund (0101) \$1,500,001

SECTION 12.085. — To the Secretary of State

For election costs associated with absentee ballots

From General Revenue Fund (0101) \$150,000

SECTION 12.090. — To the Secretary of State

For election reform grants, transactions costs, election administration improvements within Missouri, support of Help America Vote Act activities, and the state's share of election costs as required by Chapter 115, RSMo

From Election Administration Improvements Fund (0157) \$22,350,495

From Secretary of State Federal Stimulus Fund (2385) 16,100,000

Total..... \$38,450,495

SECTION 12.095. — To the Secretary of State

Funds are to be transferred out of the State Treasury to the Election Administration Improvements Fund

From General Revenue Fund (0101) \$3,284,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 12.100. — To the Secretary of State

For historical repository grants

From Secretary of State Records - Federal Fund (0150)..... \$50,000

SECTION 12.105. — To the Secretary of State

For local records preservation grants

From Local Records Preservation Fund (0577)..... \$400,000

SECTION 12.110. — To the Secretary of StateFor preserving legal, historical, and genealogical materials and making them
available to the public

From State Document Preservation Fund (0836) \$25,000

SECTION 12.115. — To the Secretary of State

For aid to public libraries

From General Revenue Fund (0101) \$3,504,001

SECTION 12.120. — To the Secretary of State

For the Remote Electronic Access for Libraries Program

From General Revenue Fund (0101) \$2,000,000

SECTION 12.125. — To the Secretary of StateFor all allotments, grants, and contributions from the federal government or from
any sources that may be deposited in the State Treasury for the use of the
Missouri State Library

From Secretary of State - Federal Fund (0195)..... \$4,125,000

From Secretary of State Federal Stimulus Fund (2385) 750,000

Total..... \$4,875,000

SECTION 12.130. — To the Secretary of State

For library networking grants and other grants and donations

From Library Networking Fund (0822)..... \$1,110,000

SECTION 12.135. — To the Secretary of State

Funds are to be transferred out of the State Treasury to the Library Networking Fund

From General Revenue Fund (0101) \$800,000

SECTION 12.140. — To the Secretary of StateFor the publication of the Official Manual of Missouri by the University of
Missouri Press, provided that all copies are sold at cost and proceeds are
deposited into the Blue Book Printing Fund

From Blue Book Printing Fund (0471)..... \$50,000

SECTION 12.141. — To the Secretary of StateFunds are to be transferred out of the State Treasury to the General Revenue
Fund

From Investor Education and Protection Fund (0829) \$4,000,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

From Local Records Preservation Fund (0577).....	1,000,000
From Missouri State Archives - St. Louis Trust Fund (0770)	3,000
Total.....	\$5,003,000

***SECTION 12.165. — To the State Auditor**

Personal Service and/or Expense and Equipment	
From General Revenue Fund (0101)	\$6,743,630
From State Auditor - Federal Fund (0115).....	926,646
From Conservation Commission Fund (0609)	49,751
From Parks Sales Tax Fund (0613).....	23,545
From Soil and Water Sales Tax Fund (0614).....	22,724
From Petition Audit Revolving Trust Fund (0648)	900,600
Total (Not to exceed 167.77 F.T.E.)	\$8,666,896

*I hereby veto \$9,984, including \$7,519 general revenue, for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Personal Service and/or Expense and Equipment by \$7,519 from \$6,743,630 to \$6,736,111 from General Revenue Fund.

Personal Service and/or Expense and Equipment by \$1,133 from \$926,646 to \$925,513 from State Auditor - Federal Fund.

Personal Service and/or Expense and Equipment by \$1,332 from \$900,600 to \$899,268 from Petition Audit Revolving Trust Fund.

From \$8,666,896 to \$8,656,912 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 12.185. — To the State Treasurer

Personal Service and/or Expense and Equipment	
From State Treasurer's General Operations Fund (0164).....	\$2,775,969

Personal Service and/or Expense and Equipment	
From Central Check Mailing Service Revolving Fund (0515).....	113,114

For Unclaimed Property Division administrative costs including personal service and expense and equipment for auctions, advertising, and promotions	
From Abandoned Fund Account (0863)	2,241,702

For preparation and dissemination of information or publications, or for refunding overpayments	
From Treasurer's Information Fund (0255).....	8,000
Total (Not to exceed 50.40 F.T.E.)	\$5,138,785

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 12.190. — To the State Treasurer

For issuing duplicate checks or drafts and outlawed checks as provided by law

From General Revenue Fund (0101)\$3,000,000

SECTION 12.195. — To the State Treasurer

For payment of claims for abandoned property transferred by holders to the state

From Abandoned Fund Account (0863)\$49,000,000

SECTION 12.200. — To the State TreasurerFor transfer of such sums as may be necessary to make payment of claims from
the Abandoned Fund Account pursuant to Chapter 447, RSMo

From General Revenue Fund (0101)\$4,500,000

SECTION 12.205. — To the State TreasurerFunds are to be transferred out of the State Treasury to the General Revenue
Fund

From Abandoned Fund Account (0863)\$65,000,000

SECTION 12.210. — To the State Treasurer

For refunds of excess interest from the Linked Deposit Program

From General Revenue Fund (0101) \$2,500

SECTION 12.215. — To the State TreasurerFunds are to be transferred out of the State Treasury to the General Revenue
Fund

From Debt Offset Escrow Fund (0753)..... \$100,000

SECTION 12.220. — To the State TreasurerFunds are to be transferred out of the State Treasury to the General Revenue
Fund

From Other Funds (Various)\$2,000,000

SECTION 12.225. — To the State TreasurerFunds are to be transferred out of the State Treasury to the State Public
School Fund

From Abandoned Fund Account (0863)\$3,250,000

***SECTION 12.245.** — To the Attorney General

Personal Service and/or Expense and Equipment

From General Revenue Fund (0101)\$13,875,002

From Attorney General - Federal Fund (0136)2,766,249

From Gaming Commission Fund (0286) 150,859

From Historic Preservation Revolving Fund (0430) 1,683

From Natural Resources Protection Fund-Water Pollution Permit Fee

Subaccount (0568) 181,741

From Solid Waste Management Fund (0570) 26,878

From Petroleum Storage Tank Insurance Fund (0585) 28,904

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

From Motor Vehicle Commission Fund (0588)	53,480
From Health Spa Regulatory Fund (0589)	5,000
From Natural Resources Protection Fund-Air Pollution Permit Fee Subaccount (0594)	28,629
From Attorney General's Court Costs Fund (0603).....	187,000
From Parks Sales Tax Fund (0613)	31,885
From Soil and Water Sales Tax Fund (0614).....	1,683
From Merchandising Practices Revolving Fund (0631)	3,874,598
From Workers' Compensation Fund (0652)	497,038
From Workers' Compensation - Second Injury Fund (0653)	3,249,529
From Lottery Enterprise Fund (0657)	60,685
From Groundwater Protection Fund (0660)	1,683
From Antitrust Revolving Fund (0666).....	663,440
From Hazardous Waste Fund (0676)	157,617
From Safe Drinking Water Fund (0679)	35,260
From Inmate Incarceration Reimbursement Act Revolving Fund (0828)	148,910
From Mined Land Reclamation Fund (0906)	18,436

Personal Service

From General Revenue Fund (0101)	150,000
Total (Not to exceed 380.05 F.T.E.)	\$26,196,189

*I hereby veto \$13,464, including \$4,795 general revenue, for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Personal Service and/or Expense and Equipment by \$4,795 from \$13,875,002 to \$13,870,207 from General Revenue Fund.

Personal Service and/or Expense and Equipment by \$3,528 from \$2,766,249 to \$2,762,721 from Attorney General - Federal Fund.

Personal Service and/or Expense and Equipment by \$5,141 from \$3,249,529 to \$3,244,388 from Workers' Compensation - Second Injury Fund.

From \$26,196,189 to \$26,182,725 in total for the section

MICHAEL L. PARSON
GOVERNOR

SECTION 12.250. — To the Attorney General

For law enforcement, domestic violence, victims' services, sexual assault evidence collection, testing, and tracking in collaboration with the Departments of Public Safety and Social Services through a Memorandum of Understanding (MOU), provided that ten percent (10%) flexibility is allowed from this section to Section 12.245 if the Attorney General receives such grant

From Attorney General - Federal Fund (0136) (Not to exceed 5.00 F.T.E.)	\$3,100,000
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EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 12.252. — To the Attorney General

For a Safer Streets initiative

Personal Service and/or Expense and Equipment

From General Revenue Fund (0101) (Not to exceed 10.00 F.T.E.) \$898,122

SECTION 12.255. — To the Attorney General

For a Medicaid fraud unit

Personal Service and/or Expense and Equipment

From General Revenue Fund (0101) \$740,387

From Attorney General - Federal Fund (0136) 2,129,282

From MO HealthNet Fraud Prosecution Revolving Fund (0252) 280,617

Total (Not to exceed 29.00 F.T.E.) \$3,150,286

SECTION 12.260. — To the Attorney General

For the Missouri Office of Prosecution Services

Personal Service and/or Expense and Equipment

From General Revenue Fund (0101) \$190,872

From Missouri Office of Prosecution Services - Federal Fund (0107) 1,143,345

From Missouri Office of Prosecution Services Fund (0680) 2,053,458

From Missouri Office of Prosecution Services Revolving Fund (0844) 2,153,572

For distribution through the Office of Administration to counties pursuant to

Section 56.700, RSMo

From General Revenue Fund (0101) 143,550

Total (Not to exceed 10.00 F.T.E.) \$5,684,797

SECTION 12.262. — To the Attorney GeneralFunds are transferred out of the State Treasury to the Missouri Office of
Prosecution Services - Federal Fund

From MO Office of Prosecution Services Revolving Fund (0844) \$50,000

SECTION 12.265. — To the Attorney GeneralFunds are to be transferred out of the State Treasury to the Missouri Office
of Prosecution Services Fund and/or the Missouri Office of Prosecution
Federal Fund

From Attorney General - Federal Fund (0136) \$200,000

SECTION 12.270. — To the Attorney GeneralFor the fulfillment or failure of conditions, or other such developments,
necessary to determine the appropriate disposition of such funds, to those
individuals, entities, or accounts within the State Treasury, certified by the
Attorney General as being entitled to receive them

Expense and Equipment

From Attorney General Trust Fund (0794) \$4,000,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 12.275. — To the Attorney General

Funds are to be transferred out of the State Treasury to the Attorney

General's Court Costs Fund

From General Revenue Fund (0101) \$124,200

SECTION 12.280. — To the Attorney General

Funds are to be transferred out of the State Treasury to the Antitrust

Revolving Fund

From General Revenue Fund (0101) \$51,750

***SECTION 12.300.** — To the Supreme Court

For funding Judicial Proceedings and Review, provided that twenty-five percent

(25%) flexibility is allowed between personal service and expense and

equipment, and further provided that twenty-five percent (25%) flexibility is

allowed between Sections 12.300 through 12.380, excluding Sections

12.325 and 12.375

Personal Service..... \$3,243,533

Expense and Equipment..... 1,027,369

From General Revenue Fund (0101) 4,270,902

Personal Service

From Judiciary - Federal Fund (0137) 534,302

Expense and Equipment

From Supreme Court Publications Revolving Fund (0525) 150,676

Total (Not to exceed 76.00 F.T.E.) \$4,955,880

*I hereby veto \$8,156, including \$7,480 general revenue, for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$7,480 from \$1,027,369 to \$1,019,889 from General Revenue Fund.

From \$4,270,902 to \$4,263,422 in total from General Revenue Fund.

Expense and Equipment by \$676 from \$150,676 to \$150,000 from Supreme Court Publications Revolving Fund.

From \$4,955,880 to \$4,947,724 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 12.305. — To the Supreme Court

For the salaries of Supreme Court Judges and Chief Justice

Personal Service

From General Revenue Fund (0101) (Not to exceed 7.00 F.T.E.) \$1,224,131

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

***SECTION 12.310. — To the Supreme Court**

For funding the State Courts Administrator and implementing and supporting an integrated case management system, provided that twenty-five percent (25%) flexibility is allowed between personal service and expense and equipment, and further provided that twenty-five percent (25%) flexibility is allowed between Sections 12.300 through 12.380, excluding Sections 12.325 and 12.375

Personal Service.....	\$7,138,659
Expense and Equipment.....	<u>5,061,734</u>
From General Revenue Fund (0101)	12,200,393

Expense and Equipment	
From State Court Administration Revolving Fund (0831)	60,000

Expense and Equipment	
From Crime Victims' Compensation Fund (0681)	<u>887,200</u>
Total (Not to exceed 150.00 F.T.E.)	\$13,147,593

*I hereby veto \$271 general revenue for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$271 from \$5,061,734 to \$5,061,463 from General Revenue Fund.
 From \$12,200,393 to \$12,200,122 in total from General Revenue Fund.
 From \$13,147,593 to \$13,147,322 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 12.315. — To the Supreme Court**

For funding court improvement projects and receiving grants and contributions of funds from the federal government or from any other source which may be deposited into the State Treasury for use of the Supreme Court and other state courts, provided that twenty-five percent (25%) flexibility is allowed between personal service and expense and equipment, and further provided that twenty-five percent (25%) flexibility is allowed between Sections 12.300 through 12.380, excluding Sections 12.325 and 12.375

Personal Service.....	\$2,494,666
Expense and Equipment.....	<u>5,613,135</u>
From Judiciary - Federal Fund (0137)	8,107,801

Personal Service.....	96,552
Expense and Equipment.....	4,866
Program Specific Distribution	<u>7,600,000</u>
From Basic Civil Legal Services Fund (0757)	<u>7,701,418</u>
Total (Not to exceed 48.25 F.T.E.)	\$15,809,219

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
 Matter in bold-face type is proposed language.

*I hereby veto \$1,743 Judiciary - Federal Fund for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$1,743 from \$5,613,135 to \$5,611,392 from Judiciary - Federal Fund.
From \$8,107,801 to \$8,106,058 in total from Judiciary - Federal Fund.
From \$15,809,219 to \$15,807,476 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 12.320.** — To the Supreme Court

For funding the development and implementation of a program of statewide court automation, provided that twenty-five percent (25%) flexibility is allowed between personal service and expense and equipment, and further provided that twenty-five percent (25%) flexibility is allowed between Sections 12.300 through 12.380, excluding Sections 12.325 and 12.375
Expense and Equipment

From General Revenue Fund (0101)\$2,000,000

Personal Service..... 1,706,820

Expense and Equipment..... 3,613,075

From Statewide Court Automation Fund (0270) 5,319,895

Total (Not to exceed 34.00 F.T.E.)\$7,319,895

*I hereby veto \$17,769 Statewide Court Automation Fund for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$17,769 from \$3,613,075 to \$3,595,306 from Statewide Court Automation Fund.

From \$5,319,895 to \$5,302,126 in total from Statewide Court Automation Fund.

From \$7,319,895 to \$7,302,126 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 12.325. — To the Supreme Court

Funds are to be transferred out of the State Treasury to the Judiciary
Education and Training Fund

From General Revenue Fund (0101)\$936,563

***SECTION 12.330.** — To the Supreme Court

For Judicial Education and Training, provided that twenty-five percent (25%) flexibility is allowed between personal service and expense and equipment, and further provided that twenty-five percent (25%) flexibility is allowed between Sections 12.300 through 12.380, excluding Sections 12.325 and 12.375

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Personal Service.....	\$611,894
Expense and Equipment.....	<u>387,805</u>
From Judiciary Education and Training Fund (0847)	999,699

Expense and Equipment	
From Judiciary - Federal Fund (0137)	<u>228,252</u>
Total (Not to exceed 11.00 F.T.E.)	\$1,227,951

*I hereby veto \$1,659 Judiciary - Federal Fund for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$1,659 from \$228,252 to \$226,593 from Judiciary - Federal Fund.
From \$1,227,951 to \$1,226,292 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 12.335.** — To the Supreme Court

For funding the three (3) Courts of Appeals, provided that twenty-five percent (25%) flexibility is allowed between personal service and expense and equipment, and further provided that twenty-five percent (25%) flexibility is allowed between Sections 12.300 through 12.380, excluding Sections 12.325 and 12.375

Personal Service.....	\$6,260,472
Expense and Equipment.....	<u>1,039,311</u>
From General Revenue Fund (0101) (Not to exceed 127.35 F.T.E.)	\$7,299,783

*I hereby veto \$5,643 general revenue for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$5,643 from \$1,039,311 to \$1,033,668 from General Revenue Fund.
From \$7,299,783 to \$7,294,140 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 12.340. — To the Supreme Court

For the salaries of Appeals Court Judges

Personal Service	
From General Revenue Fund (0101) (Not to exceed 32.00 F.T.E.)	\$5,083,142

***SECTION 12.345.** — To the Supreme Court

For funding the Circuit Courts, provided that twenty-five percent (25%) flexibility is allowed between personal service and expense and equipment, and further provided that twenty-five percent (25%) flexibility is allowed between Sections 12.300 through 12.380, excluding Sections 12.325 and 12.375

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Personal Service.....	\$89,606,994
Annual salary adjustment in accordance with Section 476.405, RSMo.....	405,152
Expense and Equipment.....	<u>3,096,688</u>
From General Revenue Fund (0101)	93,108,834
Personal Service.....	3,995,728
Expense and Equipment.....	<u>1,831,107</u>
From Judiciary - Federal Fund (0137)	5,826,835
Personal Service.....	280,750
Expense and Equipment.....	<u>128,039</u>
From Third Party Liability Collections Fund (0120)	408,789
Expense and Equipment	
From State Court Administration Revolving Fund (0831)	170,000
For the payment to counties for salaries of juvenile court personnel as provided by Sections 211.393 and 211.394, RSMo, provided that twenty-five percent (25%) flexibility is allowed between Sections 12.300 through 12.380, excluding Sections 12.325 and 12.375	
From General Revenue Fund (0101)	7,579,900
For making payments due from litigants in court proceedings under set-off against debts authority as provided in Section 488.020(3), RSMo, provided that twenty-five percent (25%) flexibility is allowed between Sections 12.300 through 12.380, excluding Sections 12.325 and 12.375	
From Circuit Courts Escrow Fund (0718).....	<u>4,079,958</u>
Total (Not to exceed 2,562.70 F.T.E.)	\$111,174,316

*I hereby veto \$58,031, including \$57,308 general revenue, for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

For funding the Circuit Courts.

Expense and Equipment by \$57,308 from \$3,096,688 to \$3,039,380 from General Revenue Fund.
From \$93,108,834 to \$93,051,526 in total from General Revenue Fund.

Expense and Equipment by \$723 from \$1,831,107 to \$1,830,384 from Judiciary - Federal Fund.
From \$5,826,835 to \$5,826,112 in total from Judiciary - Federal Fund.

From \$111,174,316 to \$111,116,285 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 12.350. — To the Supreme Court

For the salaries of the Circuit Court Judges, Associate Circuit Court Judges,
Senior Judges, Probate Commissioners, Deputy Probate Commissioners,
Treatment Court Commissioners, and Family Court Commissioners

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Personal Service

From General Revenue Fund (0101) (Not to exceed 390.00 F.T.E.)\$54,913,524

SECTION 12.355. — To the Supreme Court

For funding the court appointed special advocacy program statewide office,
provided that twenty-five percent (25%) flexibility is allowed between
Sections 12.300 through 12.380, excluding Sections 12.325 and 12.375

From General Revenue Fund (0101) \$500,000

For funding court-appointed special advocacy programs as provided in Section
476.777, RSMo, provided that twenty-five percent (25%) flexibility is
allowed between Sections 12.300 through 12.380, excluding Sections
12.325 and 12.375

From Missouri CASA Fund (0590)..... 100,000

Total..... \$600,000

SECTION 12.360. — To the Supreme Court

For funding costs associated with creating the handbook and other programs as
provided in Section 452.554, RSMo, provided that twenty-five percent
(25%) flexibility is allowed between Sections 12.300 through 12.380,
excluding Sections 12.325 and 12.375

From Domestic Relations Resolution Fund (0852) \$300,000

***SECTION 12.365.** — To the Commission on Retirement, Removal, and Discipline of Judges

For funding the expenses of the Commission, provided that twenty-five percent
(25%) flexibility is allowed between personal service and expense and
equipment, and further provided that twenty-five percent (25%) flexibility is
allowed between Sections 12.300 through 12.380, excluding Sections
12.325 and 12.375

Personal Service..... \$217,292

Expense and Equipment..... 43,137

From General Revenue Fund (0101) (Not to exceed 2.75 F.T.E.) \$260,429

*I hereby veto \$235 general revenue for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Expense and Equipment by \$235 from \$43,137 to \$42,902 from General Revenue Fund.

From \$260,429 to \$260,194 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 12.370. — To the Supreme Court

For funding the expenses of the members of the Appellate Judicial Commission
and the several circuit judicial commissions in circuits having the non-
partisan court plan, and for services rendered by clerks of the Supreme
Court, courts of appeals, and clerks in circuits having the non-partisan court

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

plan for giving notice of and conducting elections as ordered by the Supreme Court, provided that twenty-five percent (25%) flexibility is allowed between Sections 12.300 through 12.380, excluding Sections 12.325 and 12.375

From General Revenue Fund (0101) \$7,741

SECTION 12.375. — To the Supreme Court

Funds are to be transferred out of the State Treasury to the Treatment Court Resources Fund

From General Revenue Fund (0101) \$8,991,120

***SECTION 12.380.** — To the Supreme Court

For funding treatment courts provided that, twenty-five percent (25%) flexibility is allowed between personal service and expense and equipment, and further provided that twenty-five percent (25%) flexibility is allowed between Sections 12.300 through 12.380, excluding Sections 12.325 and 12.375

Personal Service \$319,575

Expense and Equipment 7,583,448

For funding treatment programs focused on medication assisted treatment for Missourians with substance use disorder related to alcohol and opioid addiction. The Treatment Courts Coordinating Commission shall enter into agreements with drug courts, DWI courts, veteran's courts, and other treatment courts of this state in order to fund medication assisted treatment programs. The Treatment Courts Coordinating Commission shall submit an annual report to both the Chairperson of the House Budget Committee and the Chairperson of the Senate Appropriations Committee that includes information concerning the contracts entered into and the impact of the medication assisted treatment programs on rate of recidivism

Expense and Equipment 1,000,000

From Treatment Court Resources Fund (0733) (Not to exceed 6.00 F.T.E.) \$8,903,023

*I hereby veto \$456 Treatment Court Resources Fund for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

For funding treatment courts.

Expense and Equipment by \$456 from \$7,583,448 to \$7,582,992 from Treatment Court Resources Fund.

From \$8,903,023 to \$8,902,567 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 12.400.** — To the Office of the State Public Defender

For funding the State Public Defender System

Personal Service and/or Expense and Equipment \$44,403,732

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For payment of expenses as provided by Chapter 600, RSMo, associated
with the defense of violent crimes and/or the contracting of criminal
representation with entities outside of the Missouri Public
Defender System..... 4,721,071
From General Revenue Fund (0101)49,124,803

For expenses authorized by the Public Defender Commission as provided by
Section 600.090, RSMo
Personal Service..... 407,943
Expense and Equipment..... 2,606,256
From Legal Defense and Defender Fund (0670)3,014,199

For refunds set-off against debts as required by Section 143.786, RSMo
From Debt Offset Escrow Fund (0753)..... 1,700,000

For all grants and contributions of funds from the federal government or from
any other source which may be deposited in the State Treasury for the use
of the Office of the State Public Defender
From Office of State Public Defender - Federal Fund (0112) 625,000
Total (Not to exceed 621.13 F.T.E.)\$54,464,002

*I hereby veto \$156,626, including \$145,376 general revenue, for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Also, I hereby veto \$267,000 Legal Defense and Defender Fund for six additional legal assistants. These additional staff were not part of my budget recommendations. The revenue losses associated with the COVID-19 pandemic have necessitated funding reductions throughout the budget. This is not the time to be adding additional staff.

For funding the State Public Defender System.
Personal Service and/or Expense and Equipment by \$145,376 from \$44,403,732 to \$44,258,356 from General Revenue Fund.
From \$49,124,803 to \$48,979,427 in total from General Revenue Fund.

For expenses authorized by the Public Defender Commission as provided by Section 600.090, RSMo.
Personal Service by \$267,000 from \$407,943 to \$140,943 from Legal Defense and Defender Fund.
Expense and Equipment by \$11,250 from \$2,606,256 to \$2,595,006 from Legal Defense and Defender Fund.
From \$3,014,199 to \$2,735,949 in total from Legal Defense and Defender Fund.
From \$54,464,002 to \$54,040,376 in total for the section.

MICHAEL L. PARSON
GOVERNOR

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

***SECTION 12.500. — To the Senate**

Salaries of Members	\$1,226,610
Mileage of Members	105,807
Members' Per Diem	306,100
Senate Contingent Expenses	11,267,549
Joint Contingent Expenses	<u>225,000</u>
From General Revenue Fund (0101)	13,131,066

Senate Contingent Expenses	
From Senate Revolving Fund (0535)	<u>40,000</u>
Total (Not to exceed 221.54 F.T.E.)	\$13,171,066

*I hereby veto \$15,463 general revenue for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Mileage of Members by \$9,278 from \$105,807 to \$96,529 from General Revenue Fund.

Senate Contingent Expenses by \$6,185 from \$11,267,549 to \$11,261,364 from General Revenue Fund.

From \$13,131,066 to \$13,115,603 in total from General Revenue Fund.

From \$13,171,066 to \$13,155,603 in total for the section.

MICHAEL L. PARSON
GOVERNOR

***SECTION 12.505. — To the House of Representatives**

Salaries of Members	\$5,861,145
Mileage of Members	510,047
Members' Per Diem	1,500,000
Representatives' Expense Vouchers	1,401,295
House Contingent Expenses	<u>13,648,295</u>
From General Revenue Fund (0101)	22,920,782

House Contingent Expenses	
From House of Representatives Revolving Fund (0520)	45,000

For redistricting requirements	
From General Revenue Fund (0101)	<u>150,000</u>
Total (Not to exceed 436.38 F.T.E.)	\$23,115,782

*I hereby veto \$75,495 general revenue for a \$.06 increase in the mileage reimbursement rate. This increase was not part of my budget recommendations. This veto is necessary to ensure a balanced budget due to revenue losses associated with the COVID-19 pandemic.

Mileage of Members by \$57,278 from \$510,047 to \$452,769 from General Revenue Fund.

Representatives' Expense Vouchers by \$14,631 from \$1,401,295 to \$1,386,664 from General Revenue Fund.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

House Contingent Expenses by \$3,586 from \$13,648,295 to \$13,644,709 from General Revenue Fund.

From \$22,920,782 to \$22,845,287 in total from General Revenue Fund.

From \$23,115,782 to \$23,040,287 in total for the section.

MICHAEL L. PARSON
GOVERNOR

SECTION 12.510. — To the House of Representatives

For payment of organizational dues

From General Revenue Fund (0101) \$294,631

SECTION 12.515. — To the Committee on Legislative Research

For payment of expenses of members, salaries and expenses of employees, and other necessary operating expenses, provided that not more than twenty-five percent (25%) flexibility is allowed between personal service and expense and equipment

For the Legislative Research Administration \$494,824

For the Oversight Division 1,287,628

From General Revenue Fund (0101) 1,782,452

For an audit and/or program evaluation of the Regional Convention and Sports Complex authority

From General Revenue Fund (0101) 100,000

Total (Not to exceed 26.00 F.T.E.) \$1,882,452

SECTION 12.520. — To the Committee on Legislative Research

For paper, printing, binding, editing, proofreading, and other necessary expenses of publishing the Supplement to the Revised Statutes of the State of Missouri

From Statutory Revision Fund (0546) (Not to exceed 1.25 F.T.E.) \$290,061

SECTION 12.525. — To the Joint Committees of the General Assembly

For the Joint Committee on Administrative Rules..... \$144,741

For the Joint Committee on Public Employee Retirement..... 176,417

For the Joint Committee on Education 78,929

From General Revenue Fund (0101) (Not to exceed 6.00 F.T.E.) \$400,087

Elected Officials Totals

General Revenue Fund.....\$66,536,191

Federal Funds..... 56,476,656

Other Funds..... 81,228,837

Total.....\$204,241,684

Judiciary Totals

General Revenue Fund.....\$198,376,462

Federal Funds..... 14,697,190

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Other Funds.....	15,103,478
Total.....	\$228,177,130

Public Defender Totals

General Revenue Fund.....	\$49,124,803
Federal Funds.....	625,000
Other Funds.....	3,014,199
Total.....	\$52,764,002

General Assembly Totals

General Revenue Fund.....	\$38,779,018
Other Funds.....	375,061
Total.....	\$39,154,079

Approved June 30, 2020

SCS HCS HB 2013**Appropriates money for real property leases, related services**

AN ACT to appropriate money for real property leases, related services, utilities, systems furniture, structural modifications, and related expenses for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds for the period beginning July 1, 2020, and ending June 30, 2021.

Be it enacted by the General Assembly of the state of Missouri, as follows:

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program enumerated in each section for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period beginning July 1, 2020, and ending June 30, 2021, as follows:

SECTION 13.005. — To the Office of Administration

For the Division of Facilities Management, Design and Construction

For the payment of real property leases, utilities, systems furniture, and structural modifications provided that five percent (5%) flexibility is allowed between Sections 13.005, 13.010, and 13.015, with no more than five percent (5%) flexibility allowed between and within departments and one hundred percent (100%) between federal funds within this section, and further provided that three percent (3%) flexibility is allowed from this section to Section 13.025

For the Department of Elementary and Secondary Education

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Expense and Equipment	
From General Revenue Fund (0101)	\$458,783
From Assistive Technology Federal Fund (0188)	38,633
From DESE - Federal Fund (0105).....	5,537
From Vocational Rehabilitation Fund (0104)	1,773,061
From Assistive Technology Loan Revolving Fund (0889)	11,589
From Deaf Relay Service and Equipment Distribution Program Fund (0559)	27,041
For the Department of Higher Education and Workforce Development	
Expense and Equipment	
From Job Development and Training Fund (0155)	1,332,706
From Special Employment Security Fund (0949)	231,266
For the Department of Revenue	
Expense and Equipment	
From General Revenue Fund (0101)	456,418
For the Department of Revenue	
For the State Lottery Commission	
Expense and Equipment	
From Lottery Enterprise Fund (0657).....	399,787
For the Office of Administration	
Expense and Equipment	
From General Revenue Fund (0101)	528,612
From OA Revolving Administrative Trust Fund (0505)	129,391
From State Facility Maintenance and Operation Fund (0501).....	331,216
For the Ethics Commission	
Expense and Equipment	
From General Revenue Fund (0101)	110,580
For the Department of Agriculture	
Expense and Equipment	
From General Revenue Fund (0101)	242,960
From Department of Agriculture Federal Fund (0133).....	4,647
From Agriculture Protection Fund (0970).....	1,063
From Grain Inspection Fee Fund (0647)	67,899
From Petroleum Inspection Fund (0662).....	7,735
For the Department of Natural Resources	
Expense and Equipment	
From General Revenue Fund (0101)	428,668
From DNR - Federal Fund (0140)	379,991
From Missouri Air Emission Reduction Fund (0267).....	17,951
From State Park Earnings Fund (0415)	83,153
From Historic Preservation Revolving Fund (0430)	26,498

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From DNR Cost Allocation Fund (0500).....	87,035
From Natural Resources Protection Fund (0555).....	8,467
From Natural Resources Protection Fund - Water Pollution Permit Fee Subaccount (0568).....	100,975
From Solid Waste Management Fund - Scrap Tire Subaccount (0569).....	27,947
From Solid Waste Management Fund (0570).....	143,471
From Natural Resources Protection Fund - Air Pollution Asbestos Fee Subaccount (0584).....	15,699
From Petroleum Storage Tank Insurance Fund (0585).....	26,852
From Underground Storage Tank Regulation Program Fund (0586).....	5,641
From Natural Resources Protection Fund - Air Pollution Permit Fee Subaccount (0594).....	265,177
From Parks Sales Tax Fund (0613).....	111,062
From Hazardous Waste Fund (0676).....	120,382
From Safe Drinking Water Fund (0679).....	102,572
For the Department of Economic Development	
Expense and Equipment	
From General Revenue Fund (0101).....	56
From Division of Tourism Supplemental Revenue Fund (0274).....	14,437
For the Department of Commerce and Insurance	
Expense and Equipment	
From General Revenue Fund (0101).....	62,577
From Division of Finance Fund (0550).....	64,327
From Insurance Dedicated Fund (0566).....	4,175
From Insurance Examiners Fund (0552).....	7,515
From Professional Registration Fees Fund (0689).....	7,424
From Public Service Commission Fund (0607).....	877,710
From Manufactured Housing Fund (0582).....	21,272
For the Department of Labor and Industrial Relations	
Expense and Equipment	
From General Revenue Fund (0101).....	6,086
From DOLIR - Commission on Human Rights - Federal Fund (0117).....	11,061
From DOLIR Administrative Fund (0122).....	2,327
From Unemployment Compensation Administration Fund (0948).....	79,239
From Workers' Compensation Fund (0652).....	377,035
For the Department of Public Safety	
Expense and Equipment	
From State Emergency Management - Federal Fund (0145).....	7,722
From Justice Assistance Grant Program Fund (0782).....	20
From Veterans' Commission Capital Improvement Trust Fund (0304).....	225,255
From Division of Alcohol and Tobacco Control Fund (0544).....	117,466

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For the Department of Public Safety	
For the State Highway Patrol	
Expense and Equipment	
From General Revenue Fund (0101)	187,629
From Department of Public Safety - Federal Fund (0152)	8,244
From State Highways and Transportation Department Fund (0644)	1,205,398
For the Department of Public Safety	
For the Adjutant General	
Expense and Equipment	
From General Revenue Fund (0101)	33,848
From Adjutant General - Federal Fund (0190)	1,706,086
From Federal Drug Seizure - Federal Fund (0194)	24,420
For the Department of Public Safety	
For the Missouri Gaming Commission	
Expense and Equipment	
From Gaming Commission Fund (0286)	421,426
For the Department of Corrections	
Expense and Equipment	
From General Revenue Fund (0101)	6,324,041
From Working Capital Revolving Fund (0510)	255,702
For the Department of Mental Health	
Expense and Equipment	
From General Revenue Fund (0101)	1,862,874
For the Department of Health and Senior Services	
Expense and Equipment	
From General Revenue Fund (0101)	1,689,718
From Department of Health and Senior Services - Federal Fund (0143)	1,952,705
For the Department of Social Services	
Expense and Equipment	
From General Revenue Fund (0101)	9,815,273
From DSS Federal and Other Sources Fund (0610)	5,521,093
For the General Assembly	
Expense and Equipment	
From General Revenue Fund (0101)	7,662
For the Lieutenant Governor	
Expense and Equipment	
From General Revenue Fund (0101)	46,267
From Missouri Arts Council Trust Fund (0262)	58,947

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For the Attorney General	
Expense and Equipment	
From General Revenue Fund (0101)	444,801
From Attorney General - Federal Fund (0136)	131,664
From Merchandising Practices Revolving Fund (0631)	111,639
From Workers' Compensation - Second Injury Fund (0653).....	84,550
From Workers' Compensation Fund (0652).....	84,550
From Hazardous Waste Fund (0676).....	7,431
From Missouri Office of Prosecution Services Fund (0680)	34,707
For the Secretary of State	
Expense and Equipment	
From General Revenue Fund (0101)	606,632
From Local Records Preservation Fund (0577).....	2,104
For the State Auditor	
Expense and Equipment	
From General Revenue Fund (0101)	12,263
For the Judiciary	
Expense and Equipment	
From General Revenue Fund (0101)	2,511,774
From Judiciary - Federal Fund (0137)	21,219
From Judiciary Education and Training Fund (0847)	134,453
Total.....	\$45,305,289

SECTION 13.010. — To the Office of Administration

For the Division of Facilities Management, Design and Construction

For operation of state-owned facilities, utilities, systems furniture, and structural modifications provided that five percent (5%) flexibility is allowed between Sections 13.005, 13.010, and 13.015, with no more than five percent (5%) flexibility allowed between and within departments and one hundred percent (100%) flexibility between federal funds within this section, and further provided that three percent (3%) flexibility is allowed from this section to Section 13.025

For the Department of Elementary and Secondary Education

Expense and Equipment	
From General Revenue Fund (0101)	\$341,235
From Vocational Rehabilitation Fund (0104)	1,020,616
From DESE - Federal Fund (0105).....	374,065

For the Department of Higher Education and Workforce Development

Expense and Equipment	
From General Revenue Fund (0101)	164,394
From Job Development and Training Fund (0155).....	470,457

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Matter in bold-face type is proposed language.

For the Department of Revenue	
Expense and Equipment	
From General Revenue Fund (0101)	1,891,648
For the Office of Administration	
Expense and Equipment	
From General Revenue Fund (0101)	3,648,147
From State Facility Maintenance and Operation Fund (0501).....	407,318
From Children's Trust Fund (0694)	24,593
For the Department of Agriculture	
Expense and Equipment	
From General Revenue Fund (0101)	91,994
From Department of Agriculture - Federal Fund (0133).....	25,278
From Animal Health Laboratory Fee Fund (0292).....	34,969
From Animal Care Reserve Fund (0295)	3,121
From Commodity Council Merchandising Fund (0406)	2,983
From Single - Purpose Animal Facilities Loan Program Fund (0408)	3,597
From Industrial Hemp Fund (0476).....	3,095
From State Milk Inspection Fees Fund (0645).....	3,953
From Grain Inspection Fees Fund (0647).....	3,350
From Petroleum Inspection Fund (0662).....	120,696
From Missouri Wine and Grape Fund (0787).....	9,658
From Agriculture Development Fund (0904)	1,415
From Agriculture Protection Fund (0970).....	260,168
For the Department of Natural Resources	
Expense and Equipment	
From General Revenue Fund (0101)	346,454
From DNR - Federal Fund (0140)	260,519
From Missouri Air Emission Reduction Fund (0267).....	58,526
From Historic Preservation Revolving Fund (0430)	79
From DNR Cost Allocation Fund (0500).....	79,626
From Natural Resources Protection Fund - Water Pollution Permit Fee	
Subaccount (0568)	105,971
From Solid Waste Management Fund - Scrap Tire Subaccount (0569)	5,079
From Solid Waste Management Fund (0570).....	15,510
From Metallic Minerals Waste Management Fund (0575).....	447
From Natural Resources Protection Fund - Air Pollution Asbestos Fee	
Subaccount (0584)	2,536
From Natural Resources Protection Fund - Air Pollution Permit Fee	
Subaccount (0594)	76,857
From Soil and Water Sales Tax Fund (0614).....	33,431
From Hazardous Waste Fund (0676).....	28,255
From Safe Drinking Water Fund (0679)	114,131
From Mined Land Reclamation Fund (0906)	9,912

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Matter in bold-face type is proposed language.

From Energy Set-Aside Program Fund (0667)	26,232
From Energy Futures Fund (0935)	3,035
For the Department of Economic Development	
Expense and Equipment	
From General Revenue Fund (0101)	259,970
From Division of Tourism Supplemental Revenue Fund (0274)	123,623
From Department of Economic Development Administrative Fund (0547)	33,835
For the Department of Commerce and Insurance	
Expense and Equipment	
From Division of Credit Unions Fund (0548)	34,251
From Division of Finance Fund (0550)	188,156
From Insurance Examiners Fund (0552)	99,915
From Insurance Dedicated Fund (0566)	348,522
From Professional Registration Fees Fund (0689)	225,592
From Public Service Commission Fund (0607)	106,908
For the Department of Labor and Industrial Relations	
Expense and Equipment	
From General Revenue Fund (0101)	64,078
From DOLIR - Commission on Human Rights - Federal Fund (0117)	69,469
From DOLIR Administrative Fund (0122)	520,552
From Division of Labor Standards - Federal Fund (0186)	5,998
From Unemployment Compensation Administration Fund (0948)	841,616
From Workers' Compensation Fund (0652)	500,559
From Special Employment Security Fund (0949)	52,085
For the Department of Public Safety	
Expense and Equipment	
From General Revenue Fund (0101)	262,443
From Division of Alcohol and Tobacco Control Fund (0544)	117,422
From Missouri Disaster Fund (0663)	216
From Veterans' Commission Capital Improvement Trust Fund (0304)	107,451
For the Department of Public Safety	
For the State Highway Patrol	
Expense and Equipment	
From State Highways and Transportation Department Fund (0644)	169,915
For the Department of Public Safety	
For the Missouri Gaming Commission	
Expense and Equipment	
From Gaming Commission Fund (0286)	78,837
For the Department of Corrections	
Expense and Equipment	
From General Revenue Fund (0101)	984,440

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Matter in bold-face type is proposed language.

For the Department of Mental Health	
Expense and Equipment	
From General Revenue Fund (0101)	859,824
From Department of Mental Health - Federal Fund (0148).....	202,996
From Compulsive Gamblers Fund (0249)	18
From Health Initiatives Fund (0275).....	6,251
For the Department of Health and Senior Services	
Expense and Equipment	
From General Revenue Fund (0101)	919,648
From Department of Health and Senior Services - Federal Fund (0143)	1,062,780
For the Department of Social Services	
Expense and Equipment	
From General Revenue Fund (0101)	5,143,754
From Temporary Assistance for Needy Families Fund (0199)	124,670
From DOSS Federal and Other Sources Fund (0610).....	689,903
From Health Initiatives Fund (0275).....	17,430
From Department of Social Services Educational Improvement Fund (0620)	5,355
For the Governor	
Expense and Equipment	
From General Revenue Fund (0101)	496,432
For the Lieutenant Governor	
Expense and Equipment	
From General Revenue Fund (0101)	35,398
For the General Assembly	
Expense and Equipment	
From General Revenue Fund (0101)	1,890,085
For the Secretary of State	
Expense and Equipment	
From General Revenue Fund (0101)	990,357
From Secretary of State's Technology Trust Fund Account (0266).....	11,648
From Local Records Preservation Fund (0577).....	5,607
From Investor Education and Protection Fund (0829)	22,792
For the State Auditor	
Expense and Equipment	
From General Revenue Fund (0101)	200,855
For the Attorney General	
Expense and Equipment	
From General Revenue Fund (0101)	479,575
From Attorney General - Federal Fund (0136).....	144,040

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From Natural Resources Protection Water Pollution Permit Fee	
Subaccount Fund (0568).....	9,563
From Workers' Compensation Fund (0652).....	32,384
From Workers' Compensation Second Injury Fund (0653).....	32,384
From Hazardous Waste Fund (0676).....	9,563
For the State Treasurer	
Expense and Equipment	
From State Treasurer's General Operations Fund (0164).....	186,036
For the Judiciary	
Expense and Equipment	
From General Revenue Fund (0101)	217,394
Total.....	\$29,065,945

SECTION 13.015. — To the Office of Administration

For the Division of Facilities Management, Design and Construction	
For the operation of institutional facilities, utilities, systems furniture, and structural modifications provided that five percent (5%) flexibility is allowed between Sections 13.005, 13.010, and 13.015, with no more than five percent (5%) flexibility allowed between and within departments and one hundred percent (100%) flexibility between federal funds within this section, further provided that three percent (3%) flexibility is allowed from this section to Section 13.025	
For the Department of Elementary and Secondary Education	
Expense and Equipment	
From General Revenue Fund (0101)	\$4,310,302
For the Department of Public Safety	
For the State Highway Patrol	
Expense and Equipment	
From General Revenue Fund (0101)	529,320
From State Highways and Transportation Department Fund (0644)	1,742,188
For the Department of Mental Health	
Expense and Equipment	
From General Revenue Fund (0101)	21,416,448
For the Department of Health and Senior Services	
Expense and Equipment	
From General Revenue Fund (0101)	9,335
From Department of Health and Senior Services - Federal Fund (0143)	10,789
For the Department of Social Services	
Expense and Equipment	
From General Revenue Fund (0101)	3,503,598
From DOSS Federal and Other Sources Fund (0610).....	843,828
Total.....	\$32,365,808

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Matter in bold-face type is proposed language.

SECTION 13.020. — To the Office of Administration

For the Division of Facilities Management, Design and Construction

For the collection and payment of costs associated with state-owned,
institutional, and state leased space occupied by non-state agencies

Expense and Equipment

From Office of Administration Revolving Administrative Trust Fund

(0505).....\$1,500,000

SECTION 13.025. — To the Office of Administration

For the Division of Facilities Management, Design and Construction

Funds are to be transferred out of the State Treasury, for the payment of
claims, premiums, and expenses as provided by Section 105.711 through
105.726, RSMo, to the State Legal Expense Fund

From General Revenue Fund (0101)\$1

Bill Totals

General Revenue Fund.....\$74,894,651

Federal Funds..... 19,145,288

Other Funds..... 11,171,847

Total.....\$105,211,786

Approved June 30, 2020

SS SCS HCS HB 2014

**Appropriates money for supplemental purposes for the expenses, grants, and distributions
of the several departments and offices of state government**

AN ACT to appropriate money for supplemental purposes for the expenses, grants, and distributions of the several departments and offices of state government and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the fiscal period ending June 30, 2020.

Be it enacted by the General Assembly of the state of Missouri, as follows:

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program described herein for the item or items stated, and for no other purpose whatsoever chargeable to the fund designated for the period ending June 30, 2020, as follows:

PART 1

SECTION 14.000. Each appropriation in this act shall consist of the item or items
in each section of Part 1 of this act, for the amount and purpose and from the

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

fund designated in each section of Part 1, as well as all additional clarifications of purpose in Part 2 of this act that make reference by section to said item or items in Part 1. Any clarification of purpose in Part 2 shall state the section or sections in Part 1 to which it attaches and shall, together with the language of said section(s) in Part 1, form the complete statement of purpose of the appropriation. As such, the provisions of Part 2 of this act shall not be severed from Part 1, and if any clarification of purpose in Part 2 is for any reason held to be invalid, such decision shall invalidate all of the appropriations in this act of which said clarification of purpose is a part. Part 3 of this act shall consist of guidance to the Department of Mental Health, the Department of Health and Senior Services, and the Department of Social Services in implementing the appropriations found in Part 1 and Part 2 of this act.

SECTION 14.005. — To the Department of Elementary and Secondary Education

For distributions to the free public schools of \$15,865,787 under the School Foundation Program as provided in Chapter 163, RSMo, provided that no funds are used to support the distribution or sharing of any individually identifiable student data for non-educational purposes, marketing or advertising, as follows:

For the Foundation Formula	
From General Revenue Fund (0101)	\$15,865,787
For Early Childhood Special Education	
From General Revenue Fund (0101)	<u>11,976,004</u>
Total.....	\$27,841,791

SECTION 14.006. — To the Department of Elementary and Secondary Education

For distributions to the free public schools under the Coronavirus Aid, Relief, and Economic Security Act

From Department of Elementary and Secondary Education Federal Emergency Relief Fund (2305)	\$300,000,000
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SECTION 14.010. — To the Department of Elementary and Secondary Education

For receiving and expending early childhood education grants

From Elementary and Secondary Education - Federal Fund (0105)	\$4,676,961
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SECTION 14.015. — To the Department of Elementary and Secondary Education

For distributions of charter school closure refunds

From General Revenue Fund (0101)	\$1,500,000
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SECTION 14.020. — To the Department of Elementary and Secondary Education	
For Student Support and Enrichment grants pursuant to Title IV, Part A of the Elementary and Secondary Education Act of 1965 as amended by the Every Student Succeeds Act of 2015	
From Elementary and Secondary Education - Federal Fund (0105).....	\$8,000,000
SECTION 14.021. — To the Department of Higher Education and Workforce Development	
For distributions to institutions of higher education under the Coronavirus Aid, Relief, and Economic Security Act	
From Department of Higher Education and Workforce Development	
Federal Emergency Relief Fund (2315).....	\$200,000,000
SECTION 14.022. — To the Department of Higher Education and Workforce Development	
For the Division of Workforce Development	
For funding for persons with autism through a contract with a Southeast Missouri organization concentrating on the maximization of giftedness, workforce transition skills, independent living skills, and employment support services	
From General Revenue Fund (0101)	\$28,000
SECTION 14.025. — To Southeast Missouri State University	
For the payment of refunds set off against debt as required by Section 143.786, RSMo	
From Debt Offset Escrow Fund (0753).....	\$150,000
SECTION 14.030. — To the Department of Revenue	
Funds are to be transferred out of the State Treasury, chargeable to the General Revenue Fund, to the State Highways and Transportation Department Fund, for reimbursement of collection expenditures in excess of the three percent (3%) limit established by Article IV, Sections 29, 30(a), 30(b), and 30(c) of the Constitution of Missouri	
From General Revenue Fund (0101)	\$243,428
SECTION 14.035. — To the Department of Revenue	
For distribution of emblem use fee contributions collected for specialty plates	
From General Revenue Fund (0101)	\$19,000
SECTION 14.040. — To the Department of Revenue	
For refunds for overpayment or erroneous payment of any tax or any payment credited to the General Revenue Fund	
From General Revenue Fund (0101)	\$100,000,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 14.060. — To the Department of Transportation

For the Construction Program

To pay the costs of reimbursing counties and other political subdivisions for the acquisition of roads and bridges taken over by the state as permanent parts of the state highway system and for the costs of locating, relocating, establishing, acquiring, constructing, reconstructing, widening, and improving those highways, bridges, tunnels, parkways, travelways, tourways, and coordinated facilities authorized under Article IV, Section 30(b) of the Constitution of Missouri and for acquiring materials, equipment, and buildings necessary for such purposes and for other purposes and contingencies relating to the location and construction of highways and bridges and to expend funds from the United States Government for like purposes

Expense and Equipment

From State Road Fund (0320).....\$5,000,000

SECTION 14.063. — To the Department of Transportation

For the Transit Program

For grants to non-urbanized areas under Sections 5311 and 5340, Title 49, United States Code

From Department of Transportation Federal Stimulus Fund (2320).....\$20,000,000

SECTION 14.065. — To the Department of Transportation

For the Transit Program

For grants to public transit providers to replace, rehabilitate, and purchase vehicles and related equipment and to construct vehicle-related facilities

From Multimodal Operations Federal Fund (0126)\$7,000,000

SECTION 14.070. — To the Office of Administration

For the Division of Accounting

For interest payments on federal grant monies in accordance with the Cash Management Improvement Act of 1990 and 1992, and any other interest or penalties due to the federal government

From General Revenue Fund (0101)\$385,775

SECTION 14.072. — To the Office of Administration

For distribution of federal funds to units of local government as provided in the Coronavirus Aid, Relief, and Economic Security Act

From Office of Administration Federal Stimulus Fund (2325).....\$1,071,000,000

SECTION 14.075. — To the Office of Administration

For transferring funds for state employees and participating political subdivisions to the OASDHI Contributions Fund

From General Revenue (0101).....\$1,573,675

From Federal Funds (Various)5,402,466

From Other Funds (Various)1,219,746

Total.....\$8,195,887

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 14.076. — To the Office of Administration

For the Division of Accounting

For the payment of OASDHI taxes for all state employees and for participating political subdivisions within the state to the Treasurer of the United States for compliance with current provisions of Title 2 of the Federal Social Security Act, as amended, in accordance with the agreement between the State Social Security Administrator and the Secretary of the Department of Health and Human Services; and for administration of the agreement under Section 218 of the Social Security Act which extends Social Security benefits to state and local public employees

From OASDHI Contributions Fund (0702)\$6,195,886

SECTION 14.080. — To the Office of Administration

For transferring funds for the state's contribution to the Missouri State Employees' Retirement System to the State Retirement Contributions Fund

From General Revenue (0101)\$4,478,287
 From Federal Funds (Various) 14,610,470
 From Other Funds (Various) 2,390,739
 Total.....\$21,479,496

SECTION 14.081. — To the Office of Administration

For the Division of Accounting

For payment of the state's contribution to the Missouri State Employees' Retirement System, provided that not more than \$11,064,705 shall be expended on administration of the system, excluding investment expenses

From State Retirement Contribution Fund (0701)\$17,948,704

SECTION 14.085. — To the Office of Administration

For transferring funds for the state's contribution to the Missouri Consolidated Health Care Plan to the Missouri Consolidated Health Care Plan Benefit Fund

From General Revenue Fund (0101)\$3,233,750
 From Federal Funds (Various) 12,387,895
 From Other Funds (Various) 1,765,396
 Total.....\$17,387,041

SECTION 14.090. — To the Office of Administration

For the Division of Accounting

For payment of the state's contribution to the Missouri Consolidated Health Care Plan

From Missouri Consolidated Health Care Plan Benefit Fund (0765)\$13,856,250

SECTION 14.092. — To the Department of Economic Development

For the Business and Community Solutions Division

For the Community Development Block Grant Program

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
 Matter in bold-face type is proposed language.

For projects awarded on or after July 1, 2019, provided that no funds shall be expended at higher education institutions not headquartered in Missouri for purposes of accreditation
 Expenses and Equipment
 From Department of Economic Development Federal Stimulus Fund (2360)\$20,000,000

SECTION 14.095. — To the Department of Economic Development
 For the Business and Community Solutions Division
 For the Missouri Community Service Commission
 Personal Service.....\$10,000
 Expense and Equipment..... 480,458
 From Community Service Commission Fund (0197)\$490,458

SECTION 14.096. — To the Department of Public Safety
 For the Office of the Director
 For Coronavirus Emergency Supplemental Fund (CESF) grants, provided no more than ten percent (10%) is allowed for administrative costs
 Personal Service.....\$675,494
 Expense and Equipment..... 10,758,773
 From Coronavirus Emergency Supplemental Fund (0179)\$11,434,267

SECTION 14.097. — To the Department of Public Safety
 Funds are to be transferred out of the State Treasury to the Gaming Commission Fund
 From General Revenue Fund (0101)\$1,500,000
 From Department of Public Safety Federal Stimulus Fund (2330)..... 1,500,000
 Total\$3,000,000

SECTION 14.098. — To the Department of Public Safety
 For the State Emergency Management Agency
 For Administration and Emergency Operations
 Personal Service
 From Missouri Disaster Fund (0663)\$75,000

SECTION 14.099. — To the Department of Public Safety
 For the State Emergency Management Agency
 For all allotments, grants, and contributions from federal and other sources that are deposited in the State Treasury for administrative and training expenses of the State Emergency Management Agency and for first responder training programs
 From State Emergency Management Federal Stimulus Fund (2335).....\$1,800,000

For matching funds for federal grants and for emergency assistance expenses of the State Emergency Management Agency as provided in Section 44.032, RSMo
 From General Revenue Fund (0101) 10,000,000
 From State Emergency Management Federal Stimulus Fund (2335)..... 10,000,000

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For funds to compensate all Nursing Homes for an additional amount of \$24.88 per Medicaid patient per day as long as Missouri or the United States remain in the current emergency declaration and to compensate any Nursing Home that has an active COVID-19 case for an additional amount of \$19.63 per Medicaid patient per day during the period in which a nursing home has at least one confirmed positive COVID-19 test on the premises. The total increase shall not exceed \$44.51 per Medicaid patient per day and shall be effective on March 1, 2020.

From State Emergency Management Federal Stimulus Fund (2335) 90,000,000

For expenses of any state agency responding during a declared emergency at the direction of the governor provided the services furnish immediate aid and relief

From General Revenue Fund (0101) 140,000,000

From State Emergency Management Federal Stimulus Fund (2335) 1,288,200,000

Total (Not to exceed 199.50 F.T.E) \$1,540,000,000

SECTION 14.100. — To the Department of Mental Health

For the Office of the Director

For paying overtime to state employees. Nonexempt state employees identified by Section 105.935, RSMo, will be paid first with any remaining funds being used to pay overtime to any other state employees

Personal Service

From General Revenue Fund (0101) \$3,922,500

SECTION 14.105. — To the Department of Mental Health

For the Office of the Director

For receiving and expending grants, donations, contracts, and payments from private, federal, and other governmental agencies which may become available between sessions of the General Assembly provided that the General Assembly shall be notified of the source of any new funds and the purpose for which they shall be expended, in writing, prior to the use of said funds

Personal Service..... \$70,000

Expense and Equipment..... 900,000

From Department of Mental Health Federal Fund (0148) 970,000

Personal Service..... 75,000

Expense and Equipment..... 5,000,000

From Department of Mental Health Federal Stimulus Fund (2345) 5,075,000

Total \$6,045,000

SECTION 14.108. — To the Department of Mental Health

For the Division of Behavioral Health

For suicide prevention initiatives

Expense and Equipment

From Department of Mental Health Federal Stimulus Fund (2345) \$900,000

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SECTION 14.110. — To the Department of Mental Health	
For the Division of Behavioral Health	
For funding youth community programs	
Expense and Equipment	
From General Revenue Fund (0101)	\$834,127
SECTION 14.115. — To the Department of Mental Health	
For the Division of Developmental Disabilities	
To pay the state operated Intermediate Care Facilities for Individuals with	
Intellectual Disabilities (ICF/ID) provider tax	
Expense and Equipment	
From General Revenue Fund (0101)	\$200,000
SECTION 14.117. — To the Department of Mental Health	
For the Division of Developmental Disabilities	
For funding community programs, provided that residential services for non-	
Medicaid eligibles shall not be reduced below the prior year expenditures as	
long as the person is evaluated to need services	
Expense and Equipment	
From Department of Mental Health Federal Stimulus Fund (2345)	\$15,364,800
SECTION 14.120. — To the Department of Mental Health	
For the Division of Developmental Disabilities	
For funding developmental disabilities services	
Expense and Equipment	
From Department of Mental Health Federal Fund (0148)	\$348,724
SECTION 14.125. — To the Department of Mental Health	
Funds are to be transferred out of the State Treasury to Department of Mental	
Health Federal Fund	
From Intermediate Care Facility Intellectually Disabled Reimbursement	
Allowance Fund (0901).....	\$676,996
SECTION 14.126. — To the Department of Health and Senior Services	
For the Division of Community and Public Health	
For funding community health programs and related expenses	
From Department of Health and Senior Services Federal Stimulus	
Fund (2350).....	\$2,291,000
SECTION 14.127. — To the Department of Health and Senior Services	
For the Division of Community and Public Health	
For the Office of Emergency Coordination, provided that ten percent (10%)	
flexibility is allowed from personal service to expense and equipment	
Personal Service.....	\$445,516
Expense and Equipment and Program Distribution.....	<u>32,556,018</u>
From Department of Health and Senior Services Federal Stimulus	
Fund (2350).....	\$33,001,534

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SECTION 14.128. — To the Department of Health and Senior Services For the Division of Community and Public Health For funding other Office of Rural Health and Primary Care programs and related expenses Expense and Equipment From Department of Health and Senior Services Federal Stimulus Fund (2350).....		\$4,500,000
SECTION 14.130. — To the Department of Health and Senior Services For the Division of Senior and Disability Services For funding non-Medicaid reimbursable senior and disability programs Expense and Equipment From General Revenue Fund (0101)		\$400,000
SECTION 14.132. — To the Department of Health and Senior Services For the Division of Senior and Disability Services For funding supportive services and meals to be distributed to each Area Agency on Aging Expense and Equipment From Department of Health and Senior Services Federal Stimulus Fund (2350).....		\$25,000,000
Expense and Equipment From Department of Health and Senior Services Federal Fund (0143).....		<u>10,000,000</u>
Total		<u>\$35,000,000</u>
SECTION 14.135. — To the Department of Health and Senior Services Funds are to be transferred out of the State Treasury, chargeable to the General Revenue Fund - County Foreign Tax Distribution, to the Senior Services Growth and Development Program Fund From General Revenue Fund (0101)		\$3,968,860
SECTION 14.140. — To the Department of Health and Senior Services For the Division of Senior and Disability Services For funding Home and Community Services grants to be distributed to the Area Agency on Aging From Senior Services Growth and Development Program Fund (0419).....		\$3,968,860
SECTION 14.145. — To the Department of Social Services For the Division of Finance and Administrative Services For the receipt and disbursement of refunds and incorrectly deposited receipts to allow the over-collection of accounts receivables to be paid back to the recipient From Title XIX - Federal Fund (0163).....		\$2,428,211
From Premium Fund (0885).....		<u>672,900</u>
Total.....		<u>\$3,101,111</u>

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SECTION 14.150. — To the Department of Social Services
 For the Family Support Division
 For nursing care payments to aged, blind, or disabled persons, and for personal
 funds to recipients of Supplemental Nursing Care payments as required by
 Section 208.030, RSMo
 From General Revenue Fund (0101) \$333,715

SECTION 14.151. — To the Department of Social Services
 For the Family Support Division
 For the Emergency Solutions Grant Program
 From Department of Social Services Federal Stimulus Fund (2355)..... \$30,000,000

SECTION 14.155. — To the Department of Social Services
 For the Family Support Division
 For the Food Distribution Program and the receipt and disbursement of Donated
 Food Program payments
 From Department of Social Services Federal Fund (0610)..... \$2,175,029
 From Department of Social Services Federal Stimulus Fund (2355)..... 4,326,000
 Total \$6,501,029

SECTION 14.156. — To the Department of Social Services
 For the Family Support Division
 For grants to not-for-profit organizations for services and programs to assist
 victims of domestic violence
 From Department of Social Services Federal Stimulus Fund (2355)..... \$528,000

SECTION 14.160. — To the Department of Social Services
 For the Family Support Division
 For business enterprise programs for the blind
 From Department of Social Services Federal Fund (0610)..... \$1,513,105

SECTION 14.161. — To the Department of Social Services
 For the Children's Division
 For the costs associated with the implementation of the Family First Prevention
 Services Act, provided that one hundred percent (100%) flexibility is
 allowed from personal service to expense and equipment
 Personal Service..... \$100,000
 Expense and Equipment..... 9,800,000
 From Department of Social Services Federal Fund (0610)..... \$9,900,000

SECTION 14.165. — To the Department of Social Services
 For the Children's Division
 For transactions involving personal funds of children in the custody of the
 Children's Division
 From Alternative Care Trust Fund (0905)..... \$3,000,000

SECTION 14.166. — To the Department of Social Services

For the Children's Division

For child care services to provide immediate financial assistance to child care providers to prevent them from going out of business and to support child care for families, including healthcare workers, first responders, and other professionals in critical roles during the COVID-19 pandemic, the general administration of the programs, including development and implementation of automated systems to enhance time, attendance reporting, contract compliance and payment accuracy, and to support the Educare Program

From Department of Social Services Federal Stimulus Fund (2355)..... \$20,000,000

SECTION 14.170. — To the Department of Social Services

For the MO HealthNet Division

For pharmaceutical payments under the MO HealthNet fee-for-service program, professional fees for pharmacists, and for a comprehensive chronic care risk management program, provided that not more than twenty-five percent (25%) flexibility is allowed between Sections 14.170, 14.180, 14.185, 14.195, 14.200, 14.210, 14.220, and 14.225

From General Revenue Fund (0101)\$6,010,111

From Title XIX - Federal Fund (0163)..... 67,352,888

From Pharmacy Rebates Fund (0114)..... 12,000,000

For Medicare Part D Clawback payments

From FMAP Enhancement Fund (0181)..... 100,000,000

Total.....\$185,362,999

SECTION 14.175. — To the Department of Social Services

For the MO HealthNet Division

For the purpose of funding pharmaceutical payments under the Missouri Rx Plan authorized by Sections 208.780 through 208.798, RSMo

From General Revenue Fund (0101) \$32,303

SECTION 14.180. — To the Department of Social Services

For the MO HealthNet Division

For physician services and related services including, but not limited to, clinic and podiatry services, telemedicine services, physician-sponsored services and fees, laboratory and x-ray services, asthma related services, services provided by chiropractic physicians, and family planning services under the MO HealthNet fee-for-service program, and for a comprehensive chronic care risk management program, Major Medical Prior Authorization, provided that not more than twenty-five percent (25%) flexibility is allowed between Sections 14.170, 14.180, 14.185, 14.195, 14.200, 14.210, 14.220, and 14.225

From General Revenue Fund (0101)\$2,034,796

From Title XIX - Federal Fund (0163)..... 43,547,777

From Health Initiatives Fund (0275)..... 1,500,000

Total.....\$47,082,573

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SECTION 14.185. — To the Department of Social Services

For the MO HealthNet Division

For funding long-term care services

For care in nursing facilities under the MO HealthNet fee-for-service program and for contracted services to develop model policies and practices that improve the quality of life for long-term care residents, provided that not more than twenty-five percent (25%) flexibility is allowed between Sections 14.170, 14.180, 14.185, 14.195, 14.200, 14.210, 14.220, and 14.225

From General Revenue Fund (0101) \$965,887

From Title XIX - Federal Fund (0163) 40,000,000

Total \$40,965,887

SECTION 14.190. — To the Department of Social Services

For the MO HealthNet Division

For Nursing Facility Reimbursement Allowance payments as provided by law

From Nursing Facility Reimbursement Allowance Fund (0196) \$80,381,258

SECTION 14.195. — To the Department of Social Services

For the MO HealthNet Division

For all other non-institutional services including, but not limited to, rehabilitation, optometry, audiology, ambulance, non-emergency medical transportation, durable medical equipment, and eyeglasses under the MO HealthNet fee-for-service program, and for rehabilitation services provided by residential treatment facilities as authorized by the Children's Division for children in the care and custody of the Children's Division, provided that not more than twenty-five percent (25%) flexibility is allowed between Sections 14.170, 14.180, 14.185, 14.195, 14.200, 14.210, 14.220, and 14.225

From General Revenue Fund (0101) \$186,168

SECTION 14.196. — To the Department of Social Services

For the MO HealthNet Division

For payment to comprehensive prepaid health care plans as provided by federal or state law or for payments to programs authorized by the Frail Elderly Demonstration Project Waiver as provided by the Omnibus Budget Reconciliation Act of 1990 (P.L. 101-508, Section 4744) and by Section 208.152 (16), RSMo, provided that the department shall implement programs or measures to achieve cost-savings through emergency room services reform, and further provided that MO HealthNet eligibles described in Section 501(a)(1)(D) of Title V of the Social Security Act may voluntarily enroll in the Managed Care Program

From FMAP Enhancement Fund (0181) \$250,000,000

SECTION 14.200. — To the Department of Social Services

For the MO HealthNet Division

For hospital care under the MO HealthNet fee-for-service program, and for a comprehensive chronic care risk management program, provided that the

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MO HealthNet Division shall track payments to out-of- state hospitals by location, and further provided that not more than twenty-five percent (25%) flexibility is allowed between Sections 14.170, 14.180, 14.185, 14.195, 14.200, 14.210, 14.220, and 14.225

From General Revenue Fund (0101)	\$1,102,543
From Title XIX - Federal Fund (0163).....	<u>58,969,123</u>
Total.....	\$60,071,666

SECTION 14.205. — To the Department of Social Services

For the MO HealthNet Division

For payment to Tier 1 Safety Net Hospitals, by maximizing eligible costs for federal Medicaid funds, utilizing current state and local funding sources as match for services that are not currently matched with federal Medicaid payments

From Title XIX - Federal Fund (0163).....	\$787,800
From Department of Social Services Intergovernmental Transfer Fund (0139).....	<u>412,200</u>
Total.....	\$1,200,000

SECTION 14.210. — To the Department of Social Services

For the MO HealthNet Division

For health homes, provided that not more than twenty-five percent (25%) flexibility is allowed between Sections 14.170, 14.180, 14.185, 14.195, 14.200, 14.210, 14.220, and 14.225

From General Revenue Fund (0101)	\$687,797
From Federal Reimbursement Allowance Fund (0142).....	<u>1,321,231</u>
Total.....	\$2,009,028

SECTION 14.215. — To the Department of Social Services

For the MO HealthNet Division

For payments to hospitals under the Federal Reimbursement Allowance Program including state costs to pay for an independent audit of Disproportionate Share Hospital payments as required by the Centers for Medicare and Medicaid Services, for the expenses of the Poison Control Center in order to provide services to all hospitals within the state, and for the Gateway to Better Health 1115 Demonstration

For a continuation of the services provided through Medicaid Emergency Psychiatric Demonstration as required by Section 208.152(16), RSMo

From Federal Reimbursement Allowance Fund (0142).....	\$275,789,964
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SECTION 14.220. — To the Department of Social Services

For the MO HealthNet Division

For funding programs to enhance access to care for uninsured children using fee for services, prepaid health plans, or other alternative service delivery and reimbursement methodology approved by the director of the Department of Social Services, provided that families of children receiving services under

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this section shall pay the following premiums to be eligible to receive such services: zero percent on the amount of a family's income which is less than or equal to 150 percent of the federal poverty level; four percent on the amount of a family's income which is less than or equal to 185 percent of the federal poverty level but greater than 150 percent of the federal poverty level; eight percent on the amount of a family's income which is less than or equal to 225 percent of the federal poverty level but greater than 185 percent of the federal poverty level; fourteen percent on the amount of a family's income which is less than or equal to 300 percent of the federal poverty level but greater than 225 percent of the federal poverty level not to exceed five percent of total income; families with an annual income of more than 300 percent of the federal poverty level are ineligible for this program, provided that not more than twenty-five percent (25%) flexibility is allowed between Sections 14.170, 14.180, 14.185, 14.195, 14.200, 14.210, 14.220, and 14.225

From General Revenue Fund (0101)\$3,644,370

SECTION 14.225. — To the Department of Social Services

For the MO HealthNet Division

For the Show-Me Healthy Babies Program authorized by Section 208.662, RSMo, provided that not more than twenty-five percent (25%) flexibility is allowed between Sections 14.170, 14.180, 14.185, 14.195, 14.200, 14.210, 14.220, and 14.225

From General Revenue Fund (0101)\$1,717,957

SECTION 14.226. — To the Governor

For expenses incident to emergency duties performed by the National Guard when ordered out by the Governor

From General Revenue Fund (0101)\$11,000,000

SECTION 14.227. — To the State Treasurer

Funds are to be transferred out of the State Treasury to the General Revenue Fund

From Other Funds (Various)\$1,000,000

SECTION 14.230. — To the Office of Administration

For the Division of Facilities Management, Design and Construction

For receipt and expenditure of insurance or other reimbursements for damage from natural or man-made events

From Facilities Maintenance Reserve Fund (0124).....\$5,000,000

SECTION 14.235. — To the Office of Administration

For the Division of Facilities Management, Design and Construction Asset Management

For paying a pandemic stipend to state employees providing direct care and support to institutionalized individuals during the COVID-19 public health emergency

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From State Facility Maintenance and Operation Fund (0501).....	\$316,500
From Office of Administration Federal Stimulus Fund (2325)	<u>316,500</u>
Total.....	\$633,000

SECTION 14.240. — To the Office of Administration

For the Division of Facilities Management, Design and Construction

For the operation of institutional facilities, utilities, systems furniture, and structural modifications

For the Department of Mental Health

Expense and Equipment

From General Revenue Fund (0101) \$259,530

For the Department of Social Services

Expense and Equipment

From General Revenue Fund (0101) 56,970

Total..... \$316,500

SECTION 14.245. — To the Department of Public Safety

For the Missouri Veterans' Commission

For paying a pandemic stipend to state employees providing direct care and support to institutionalized individuals during the COVID-19 public health emergency

From Missouri Veterans' Homes Fund (0460)..... \$2,262,000

From Department of Public Safety Federal Stimulus Fund (2330)..... 2,262,000

Total..... \$4,524,000

SECTION 14.250. — To the Department of Corrections

For the Division of Human Services

For paying a pandemic stipend to state employees providing direct care and support to institutionalized individuals during the COVID-19 public health emergency

From General Revenue Fund (0101) \$11,237,985

From Department of Corrections - Federal Fund (0130) 46,500

From Department of Corrections Federal Stimulus Fund (2340)..... 11,578,485

From Inmate Canteen Fund (0405)..... 133,500

From Working Capital Revolving Fund (0510)..... 159,000

From Inmate Fund (0540)..... 1,500

Total..... \$23,156,970

SECTION 14.255. — To the Department of Mental Health

For the Office of Director

For paying a pandemic stipend to state employees providing direct care and support to institutionalized individuals during the COVID-19 public health emergency

From General Revenue Fund (0101) \$8,175,000

From Department of Mental Health Federal Stimulus Fund (2345) 8,175,000

Total..... \$16,350,000

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SECTION 14.260. — To the Department of Social Services

For the Division of Youth Services

For paying a pandemic stipend to state employees providing direct care and support to institutionalized individuals during the COVID-19 public health emergency

From General Revenue Fund (0101)	\$841,425
From Department of Social Services Federal Fund (0610).....	453,075
From Department of Social Services Federal Stimulus Fund (2355).....	<u>1,294,500</u>
Total.....	\$2,589,000

SECTION 14.265. — To the Department of Elementary and Secondary

Education

For the free public schools

All Expenditures

From Department of Elementary and Secondary Education Federal

Stimulus Fund (2300)\$1,515,839,292

SECTION 14.270. — To the Department of Higher Education and Workforce

Development

For the distribution to community colleges

All Expenditures

From Department of Higher Education and Workforce Development

Stimulus Fund (2310)\$47,856,837

SECTION 14.275. — To the State Technical College of Missouri

All Expenditures

From Department of Higher Education and Workforce Development

Stimulus Fund (2310)\$2,010,124

SECTION 14.280. — To the University of Central Missouri

All Expenditures

From Department of Higher Education and Workforce Development

Stimulus Fund (2310)\$18,446,119

SECTION 14.285. — To Southeast Missouri State University

All Expenditures

From Department of Higher Education and Workforce Development

Stimulus Fund (2310)\$15,293,156

SECTION 14.290. — To Missouri State University

All Expenditures

From Department of Higher Education and Workforce Development

Stimulus Fund (2310)\$31,333,687

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SECTION 14.295. — To Lincoln University

All Expenditures. Such Federal Stimulus funds shall not be used to supplant

General Revenue Funds

From Department of Higher Education and Workforce Development

Stimulus Fund (2310).....\$7,156,731

SECTION 14.300. — To Truman State University

All Expenditures

From Department of Higher Education and Workforce Development

Stimulus Fund (2310).....\$13,886,774

SECTION 14.305. — To Northwest Missouri State University

All Expenditures

From Department of Higher Education and Workforce Development

Stimulus Fund (2310).....\$10,395,373

SECTION 14.310. — To Missouri Southern State University

All Expenditures

From Department of Higher Education and Workforce Development

Stimulus Fund (2310).....\$8,010,414

SECTION 14.315. — To Missouri Western State University

All Expenditures

From Department of Higher Education and Workforce Development

Stimulus Fund (2310).....\$7,415,585

SECTION 14.320. — To Harris-Stowe State University

All Expenditures. Such Federal Stimulus funds shall not be used to supplant

General Revenue Funds.

From Department of Higher Education and Workforce Development

Stimulus Fund (2310).....\$3,487,087

SECTION 14.325. — To the University of Missouri

For operation of its various campuses and programs

All Expenditures

From Department of Higher Education and Workforce Development

Stimulus Fund (2310).....\$138,745,625

PART 2**SECTION 14.400.** — To the Department of Transportation

In reference to Sections 14.060 and 14.065 of Part 1 of this act:

No funds shall be expended for the development, implementation, advancement, construction, maintenance, or operation of toll roads on interstate highways.

SECTION 14.405. — To the Department of Mental Health

In reference to Section 14.110 of Part 1 of this act:

No funds shall be expended in furtherance of provider rates greater than 1.5% above the rate in effect on January 1, 2019, except for Certified Community Behavioral Health Clinics, for whom no funds shall be expended in furtherance of actuarial rates greater than those approved by the Department of Mental Health, and further excepting providers of children's residential treatment services, for whom no funds shall be expended in furtherance of provider rates greater than: \$119.67 daily for children's basic residential treatment services, \$113.67 daily for children's infant, toddler, or preschool residential treatment services, \$133.04 daily for children's level 2 residential treatment services, \$133.33 daily for children's level 3 residential treatment services, \$175.26 daily for children's level 4 residential treatment services, and 1.5% above the rate in effect on January 1, 2019, for all other services.

SECTION 14.410. — To the Department of Social Services

In reference to Section 14.180 of Part 1 of this act:

No funds shall be expended in furtherance of provider rates greater than 1.5% above the rate in effect on January 1, 2019, except for provider retention initiatives related to Coronavirus Disease 2019 (COVID-19), and further excepting Certified Community Behavioral Health Clinics, for whom no funds shall be expended in furtherance of actuarial rates greater than those approved by the Department of Mental Health.

SECTION 14.415. — To the Department of Social Services

In reference to Sections 14.185 and 14.190 of Part 1 of this act:

No funds shall be expended in furtherance of nursing facility provider rates greater than \$2.03 per bed day above the rate in effect on January 1, 2019, except for provider retention initiatives related to Coronavirus Disease 2019 (COVID-19). If the effective date of the rate increase is after July 1, 2019, any nursing facility provider rate increase shall be prorated over the remaining portion of the fiscal year, but in no event shall the total amount resulting from all provider rate increases to any provider be greater than the amount that would result from implementing a \$2.03 per bed day increase, on July 1, 2019, over the rate in effect on January 1, 2019, to said provider except for provider retention initiatives related to Coronavirus Disease 2019 (COVID-19). No funds shall be expended in furtherance of home health provider rates greater than 1.5% above the rate in effect on January 1, 2019.

SECTION 14.420. — To the Department of Social Services

In reference to Section 14.195 of Part 1 of this act:

No funds shall be expended in furtherance of provider rates greater than 1.5% above the rate in effect on January 1, 2019, except for providers of non-emergency medical transportation for MO HealthNet, for whom no funds shall be expended in furtherance of provider rates greater than 5.4%

above the rate in effect on January 1, 2019; and further excepting providers of non-emergency medical transportation for the Department of Mental Health for whom no funds shall be expended in furtherance of provider rates greater than 2.3% above the rate in effect on January 1, 2019, and further excepting providers of hospice care, for whom no funds shall be expended in furtherance of room and board rates greater than \$1.93 above the rate in effect on January 1, 2019 and for whom no funds shall be expended in furtherance of provider rates for routine home care, continuous home care, inpatient respite care, service intensity add-on care, and inpatient care greater than 2.11% above the rate in effect on January 1, 2019, and further excepting providers of children's residential treatment services, for whom no funds shall be expended in furtherance of provider rates greater than: \$133.04 daily for children's level 2 residential treatment services, \$133.33 daily for children's level 3 residential treatment services, \$175.26 daily for children's level 4 residential treatment services, and 1.5% above the rate in effect on January 1, 2019, for all other services.

SECTION 14.223. — To the Department of Social Services

In reference to Sections 14.196, 14.200, and 14.215 of Part 1 of this act:

Funds may be expended for provider retention initiatives related to Coronavirus Disease 2019 (COVID-19).

SECTION 14.224. — To the Department of Social Services

In reference to Sections 14.210 of Part 1 of this act:

No funds shall be expended in furtherance of provider rates greater than 1.5% above the rate in effect on January 1, 2019.

SECTION 14.425. — To the Department of Mental Health, the Department of Health and Senior Services, and the Department of Social Services

In reference to Section 14.100 through and including Section 14.225 in Part 1 of this act:

No funds shall be expended on any program that performs abortions or that counsels women to have an abortion other than the exceptions required by federal law.

SECTION 14.430. — To the Department of Mental Health, the Department of Health and Senior Services, and the Department of Social Services

In reference to Section 14.100 through and including Section 14.225 in Part 1 of this act:

No funds shall be expended for the purpose of Medicaid expansion as outlined under the Affordable Care Act.

SECTION 14.435. — To the Office of Administration, the Department of Public Safety, and the Department of Health and Senior Services

In reference to Section 14.072, Section 14.099, and Section 14.127 in Part 1 of this act:

At least twenty-five percent (25%) of the funds, received and deposited into the State Treasury from the allocation of funds to the state of Missouri from the Coronavirus Relief Fund as created in the CARES Act, shall be remitted to local units of government within ten days (10) of such deposit into the State Treasury. Such funds shall be distributed to all counties, except any county with a charter form of government and with more than nine hundred fifty thousand inhabitants and any county with a charter form of government and with more than six hundred thousand inhabitants unless such two counties did not receive any funding directly from the Coronavirus Relief Fund, and a city not within a county by the amount equal to the quotient of the population of such counties or city not within a county and the total population of the state of Missouri.

PART 3

SECTION 14.500. — To the Department of Mental Health, the Department of Health and Senior Services, and the Department of Social Services
In reference to Section 14.100 through and including Section 14.225 in Part 1 of this act:

No funds shall be expended to any clinic, physician's office, or any other place or facility in which abortions are performed or induced other than a hospital, or any affiliate or associate of any such clinic, physician's office, or place or facility in which abortions are performed or induced other than a hospital.

Bill Totals

General Revenue Fund.....	\$246,715,750
Federal Funds.....	5,637,131,161
Other Funds.....	387,336,534
Total.....	\$6,271,183,445

Approved April 10, 2020

SS SCS HB 2015

Appropriates money for supplemental purposes for the expenses, grants, and distributions of the several departments and offices of state government

AN ACT to appropriate money for supplemental purposes for the expenses, grants, and distributions of the several departments and offices of state government, and the several divisions and programs thereof, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the fiscal period ending June 30, 2020.

Be it enacted by the General Assembly of the state of Missouri, as follows:

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, fund transfer, and program described herein for the item or items stated, and for no other purpose whatsoever, chargeable to the fund designated for the period ending June 30, 2020, as follows:

SECTION 15.005. — To the Office of Administration

Funds are to be transferred out of the State Treasury such amounts as may be necessary for cash-flow assistance to the General Revenue Fund, provided, however, that funds will not be used without prior notification to the Commissioner of the Office of Administration, the Chair of the Senate Appropriations Committee, and the Chair of the House Budget Committee. Prior to June 30, 2021, an amount equal to the transfer received shall be transferred back to the appropriate fund from which the cash-flow assistance transfer was made.

From State Emergency Management Federal Stimulus Fund (2335).....\$750,000,000

SECTION 15.010. — To the Office of Administration

Funds are to be transferred out of the State Treasury, such amounts as may be necessary for repayment of cash-flow assistance to the State Emergency Management Federal Stimulus Fund, provided, however, that the Commissioner of the Office of Administration, the Chair of the Senate Appropriations Committee, and the Chair of the House Budget Committee shall be notified when repayment to the fund has been made

From General Revenue Fund (0101)\$750,000,000

SECTION 15.015. — To the Office of Administration

For the Information Technology Services Division

For paying a pandemic stipend to state employees providing direct care and support to institutionalized individuals during the COVID-19 public health emergency

From Office of Administration Federal Stimulus Fund (2325) \$16,000

SECTION 15.016. — To the Office of Administration

For the Information Technology Services Division

For the Department of Labor and Industrial Relations

Expense and Equipment

From the Labor and Industrial Relations Federal Stimulus Fund (2375)..... \$200,000

SECTION 15.020. — To the Department of Labor and Industrial Relations

For the administration of unemployment benefits made available under the

Families First Coronavirus Response Act and Coronavirus Aid, Relief, and

Economic Security Act

Personal Service..... \$1,000,000

Expense and Equipment..... 700,000

From Department of Labor and Industrial Relations Federal Stimulus

Fund (2375) \$1,700,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 15.025. — To the Department of Mental Health	
For the Office of the Director	
For the Emergency COVID-19 Directed Treatment Services Program	
Expense and Equipment	
From Department of Mental Health Federal Stimulus Fund (2345)	\$2,000,000
SECTION 15.030. — To the Department of Elementary and Secondary Education	
For the School Nutrition Services Program to reimburse schools for school food programs	
From Department of Elementary and Secondary Education Federal Stimulus Fund (2300)	\$117,552,821
SECTION 15.035. — To the Department of Transportation	
For the Aviation Program	
For construction, capital improvements, or planning of publicly owned airfields by cities or other political subdivisions, including land acquisition, pursuant to provisions of the state Block Grant Program administered through the Federal Airport Improvement Program	
From Department of Transportation Federal Stimulus Fund (2320)	\$1,000,000
SECTION 15.040. — To the Department of Health and Senior Services	
For funding community health programs and related expenses	
From Department of Health and Senior Services Federal Fund (0143)	\$6,000,000
SECTION 15.045. — To the Department of Health and Senior Services	
For child nutrition and commodity assistance programs	
From Department of Health and Senior Services Federal Stimulus Fund (2350)	\$30,062,065
Bill Totals	
Federal Funds	\$158,530,886

Approved May 12, 2020

HCS HB 2017

Appropriates money for capital improvement and other purposes for the several departments and offices of state government

AN ACT to appropriate money for capital improvement and other purposes for the several departments and offices of state government, and the several divisions and programs thereof, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri for the period beginning July 1, 2020, and ending June 30, 2021.

Be it enacted by the General Assembly of the state of Missouri, as follows:

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program described herein for the item or items stated, and for no other purpose whatsoever, chargeable to the fund designated for the period beginning July 1, 2020, and ending June 30, 2021, the unexpended balances available as of June 30, 2020, but not to exceed the amounts stated herein, as follows:

SECTION 17.005. — To the Office of Administration

For the Department of Elementary and Secondary Education

For repair and renovations to facilities statewide

Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.135, an Act of the 98th General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 17, Section 17.005, an Act of the 100th General Assembly, First Regular Session

From Board of Public Buildings Bond Proceeds Fund (Various) \$543,457

SECTION 17.010. — To the Office of Administration

For a workforce development training center located in a county of the second classification with more than fifty thousand but fewer than fifty-eight thousand inhabitants

Representing expenditures originally authorized under the provisions of House Bill 2019, Section 19.040, an Act of the 99th General Assembly, Second Regular Session, and most recently authorized under the provisions of House Bill 17, Section 17.010, an Act of the 100th General Assembly, First Regular Session

From General Revenue Fund (0101) \$138,783

SECTION 17.015. — To the Office of Administration

For the Department of Elementary and Secondary Education

For planning, design, repairs, replacements, improvements, and renovations to the Missouri School for the Blind

Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.005, an Act of the 100th General Assembly, First Regular Session

From School for the Blind Trust Fund (0920) \$2,252,600

SECTION 17.020. — To the Coordinating Board for Higher Education

For repair and renovations including automated accessibility doors, boiler, HVAC system, and parking lot replacement at St. Charles Community College

Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.060, an Act of the 98th General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 17, Section 17.025, an Act of the 100th General Assembly, First Regular Session

From Board of Public Buildings Bond Proceeds Fund (Various) \$587,962

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 17.025. — To Northwest Missouri State University

For repair and renovations including electrical system repairs and window replacements

Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.110, an Act of the 98th General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 17, Section 17.045, an Act of the 100th General Assembly, First Regular Session

From Board of Public Buildings Bond Proceeds Fund (Various) \$122,657

SECTION 17.030. — To Harris-Stowe State University

For repair and renovations including hazmat remediation, upgrades to windows, HVAC, electrical systems, plumbing, and finishes for Vashon Center

Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.125, an Act of the 98th General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 17, Section 17.050, an Act of the 100th General Assembly, First Regular Session

From Board of Public Buildings Bond Proceeds Fund (Various) \$938,376

SECTION 17.035. — To the Coordinating Board for Higher Education

For renovation and expansion of the Crisp Technology Center at Three Rivers Community College

Representing expenditures originally authorized under the provisions of House Bill 2019, Section 19.055, an Act of the 99th General Assembly, Second Regular Session, and most recently authorized under the provisions of House Bill 17, Section 17.055, an Act of the 100th General Assembly, First Regular Session

From General Revenue Fund (0101) \$1,000,000

SECTION 17.040. — To State Technical College of Missouri

For planning, design, and construction of a utility technician center

Representing expenditures originally authorized under the provisions of House Bill 2019, Section 19.065, an Act of the 99th General Assembly, Second Regular Session, and most recently authorized under the provisions of House Bill 17, Section 17.065, an Act of the 100th General Assembly, First Regular Session

From General Revenue Fund (0101) \$375,000

SECTION 17.045. — To Harris-Stowe State University

For planning, design, renovation, and construction of laboratory space on the Harris-Stowe State University Campus

Representing expenditures originally authorized under the provisions of House Bill 2019, Section 19.090, an Act of the 99th General Assembly, Second Regular Session, and most recently authorized under the provisions

of House Bill 17, Section 17.080, an Act of the 100th General Assembly,
First Regular Session
From General Revenue Fund (0101)\$440,000

SECTION 17.050. — To Harris-Stowe State University

For design and construction of a STEM laboratory
Representing expenditures originally authorized under the provisions of
House Bill 19, Section 19.095, an Act of the 100th General Assembly, First
Regular Session
From General Revenue Fund (0101)\$475,000

SECTION 17.055. — To Northwest Missouri State University

For the planning, design, and construction of an agricultural learning center on
the Northwest Missouri State University Campus
Representing expenditures originally authorized under the provisions of
House Bill 19, Section 19.110, an Act of the 100th General Assembly, First
Regular Session
From General Revenue Fund (0101)\$2,500,000

SECTION 17.060. — To Truman State University

For renovation and preservation of the Greenwood School for the Inter-
Professional Autism Clinic
Representing expenditures originally authorized under the provisions of
House Bill 19, Section 19.115, an Act of the 100th General Assembly, First
Regular Session
From General Revenue Fund (0101)\$200,000

SECTION 17.065. — To the State Historical Society

For the planning, design, and construction of the State Historical Society
building and museum located in any home rule city with more than one
hundred eight thousand but fewer than one hundred sixteen thousand
inhabitants
Representing expenditures originally authorized under the provisions of
House Bill 19, Section 19.221, an Act of the 98th General Assembly, First
Regular Session, and most recently authorized under the provisions of
House Bill 17, Section 17.085, an Act of the 100th General Assembly, First
Regular Session
From Missouri Development Finance Board Bond Proceeds Fund (Various)\$2,409,851

SECTION 17.070. — To the Office of Administration

For the Division of Facilities Management, Design and Construction
For repair and renovations at facilities statewide
Representing expenditures originally authorized under the provisions of
House Bill 19, Section 19.140, an Act of the 98th General Assembly, First
Regular Session, and most recently authorized under the provisions of

House Bill 17, Section 17.090, an Act of the 100th General Assembly, First Regular Session
 From Board of Public Buildings Bond Proceeds Fund (Various)\$5,893,924

SECTION 17.075. — To the Office of Administration

For repairs and renovations to the exterior of the State Capitol Building
 Representing expenditures originally authorized under the provisions of House Bill 18, Section 18.070, an Act of the 99th General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 17, Section 17.095, and Act of the 100th General Assembly, First Regular Session
 From Board of Public Buildings Bond Proceeds Fund (Various)\$973,832

SECTION 17.080. — To the Office of Administration

For the Division of Facilities Management, Design and Construction
 For maintenance, repairs, replacements, unprogrammed requirements, emergency requirements, operational maintenance and repair, and improvements at the Capitol Complex
 Representing expenditures originally authorized under the provisions of House Bill 2018, Section 18.020, an Act of the 99th General Assembly, Second Regular Session, and most recently authorized under the provisions of House Bill 17, Section 17.100, and Act of the 100th General Assembly, First Regular Session
 From Board of Public Buildings Bond Proceeds Fund (Various)\$31,018,035

SECTION 17.085. — To the Department of Agriculture

For design and construction of a new restroom and campground expansion at the State Fairgrounds
 Representing expenditures originally authorized under the provisions of House Bill 2019, Section 19.010, an Act of the 99th General Assembly, Second Regular Session, and most recently authorized under the provisions of House Bill 17, Section 17.110, and Act of the 100th General Assembly, First Regular Session
 From State Fair Fee Fund (0410)\$64,381

SECTION 17.090. — To the Office of Administration

For the Department of Agriculture
 For construction of a new campground at the State Fairgrounds
 Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.010, an Act of the 100th General Assembly, First Regular Session
 From General Revenue Fund (0101)\$1,559,617

SECTION 17.095. — To the Department of Agriculture

For a pavilion at the Missouri State Fair

Representing expenditures originally authorized under the provisions of
House Bill 19, Section 19.070, an Act of the 100th General Assembly, First
Regular Session
From General Revenue Fund (0101) \$750,000

SECTION 17.100. — To the Department of Natural Resources

For the Division of State Parks

For repair and renovation at state parks and historic sites in the Central region

Representing expenditures originally authorized under the provisions of
House Bill 19, Section 19.191, an Act of the 98th General Assembly, First
Regular Session, and most recently authorized under the provisions of
House Bill 17, Section 17.115, an Act of the 100th General Assembly, First
Regular Session

From Board of Public Buildings Bond Proceeds Fund (Various) \$20,224

SECTION 17.105. — To the Department of Natural Resources

For the Division of State Parks

For repair and renovation at state parks and historic sites in the Lakes region

Representing expenditures originally authorized under the provisions of
House Bill 19, Section 19.196, an Act of the 98th General Assembly, First
Regular Session, and most recently authorized under the provisions of
House Bill 17, Section 17.120, an Act of the 100th General Assembly, First
Regular Session

From Board of Public Buildings Bond Proceeds Fund (Various) \$686,020

SECTION 17.110. — To the Department of Natural Resources

For the Division of State Parks

For repair and renovation at state parks and historic sites in the Northeast region

Representing expenditures originally authorized under the provisions of
House Bill 19, Section 19.201, an Act of the 98th General Assembly, First
Regular Session, and most recently authorized under the provisions of
House Bill 17, Section 17.125, an Act of the 100th General Assembly, First
Regular Session

From Board of Public Buildings Bond Proceeds Fund (Various) \$227,695

SECTION 17.115. — To the Department of Natural Resources

For the Division of State Parks

For repair and renovation at state parks and historic sites in the Kansas City
region

Representing expenditures originally authorized under the provisions of
House Bill 19, Section 19.206, an Act of the 98th General Assembly, First
Regular Session, and most recently authorized under the provisions of
House Bill 17, Section 17.130, an Act of the 100th General Assembly, First
Regular Session

From Board of Public Buildings Bond Proceeds Fund (Various) \$26,693

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 17.120. — To the Department of Natural Resources

For the Division of State Parks

For repair and renovation at state parks and historic sites in the Southeast region
 Representing expenditures originally authorized under the provisions of
 House Bill 19, Section 19.211, an Act of the 98th General Assembly, First
 Regular Session, and most recently authorized under the provisions of
 House Bill 17, Section 17.135, an Act of the 100th General Assembly, First
 Regular Session

From Board of Public Buildings Bond Proceeds Fund (Various) \$823,988

SECTION 17.125. — To the Department of Natural Resources

For the Division of State Parks

For repair and renovation at state parks and historic sites in the St. Louis region
 Representing expenditures originally authorized under the provisions of
 House Bill 19, Section 19.216, an Act of the 98th General Assembly, First
 Regular Session, and most recently authorized under the provisions of
 House Bill 17, Section 17.140, an Act of the 100th General Assembly, First
 Regular Session

From Board of Public Buildings Bond Proceeds Fund (Various) \$822,257

SECTION 17.130. — To the Department of Natural Resources

For the Division of State Parks

For state park and historic site capital improvement expenditures, including
 design, construction, renovation, maintenance, repairs, replacements,
 improvements, adjacent land purchases, installation and replacement of
 interpretive exhibits, water and wastewater improvements, maintenance and
 repair to existing roadways, parking areas, and trails, restoration, and
 marketing of endangered historic properties, and expenditure of
 recoupments, donations, and grants
 Representing expenditures originally authorized under the provisions of
 House Bill 18, Section 18.045, an Act of the 98th General Assembly, First
 Regular Session, and most recently authorized under the provisions of
 House Bill 17, Section 17.145, an Act of the 100th General Assembly, First
 Regular Session

From Department of Natural Resources Federal Fund (0140) \$355,000

SECTION 17.135. — To the Department of Natural Resources

For the Division of State Parks

For state park and historic site capital improvement expenditures, including
 design, construction, renovation, maintenance, repairs, replacements,
 improvements, adjacent land purchases, provided the purchase does not add
 more than 20 acres to any existing park site, installation and replacement of
 interpretive exhibits, water and wastewater improvements, maintenance and
 repair to existing roadways, parking areas, and trails, restoration, and
 marketing of endangered historic properties, and expenditure of
 recoupments, donations, and grants

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
 Matter in bold-face type is proposed language.

Representing expenditures originally authorized under the provisions of House Bill 2018, Section 18.040, an Act of the 98th General Assembly, Second Regular Session, and most recently authorized under the provisions of House Bill 17, Section 17.150, an Act of the 100th General Assembly, First Regular Session

From Department of Natural Resources Federal Fund (0140) \$301,440

SECTION 17.140. — To the Department of Natural Resources

For the Division of State Parks

For renovation, repair, and maintenance and any other expenditures related to the swimming pool at Cuivre River State Park

Representing expenditures originally authorized under the provisions of House Bill 2018, Section 18.075, an Act of the 99th General Assembly, Second Regular Session, and most recently authorized under the provisions of House Bill 17, Section 17.165, an Act of the 100th General Assembly, First Regular Session

From State Park Earnings Fund (0415) \$500,000

SECTION 17.145. — To the Department of Natural Resources

For the Division of State Parks

For state park and historic site capital improvement expenditures, including design, construction, renovation, maintenance, repairs, replacements, improvements, adjacent land purchases, installation and replacement of interpretive exhibits, water and wastewater improvements, maintenance and repair to existing roadways, parking areas, and trails, acquisition, restoration, and marketing of endangered historic properties, and expenditure of recoupments, donations, and grants

Representing expenditures originally authorized under the provisions of House Bill 2019, Section 19.015, an Act of the 99th General Assembly, Second Regular Session, and most recently authorized under the provisions of House Bill 17, Section 17.170, an Act of the 100th General Assembly, First Regular Session

From State Park Earnings Fund (0415) \$1,001,989

From Department of Natural Resources Federal Fund (0140) 500,000

Total..... \$1,501,989

SECTION 17.150. — To the Department of Natural Resources

For surface water improvements and construction of a water reservoir in a county of the third classification with a township form of government and with more than nine thousand but fewer than ten thousand inhabitants and with a city of the fourth classification with more than three hundred but fewer than four hundred inhabitants as the county seat

Representing expenditures originally authorized under the provisions of House Bill 2019, Section 19.045, an Act of the 99th General Assembly, Second Regular Session, and most recently authorized under the provisions

of House Bill 17, Section 17.175, an Act of the 100th General Assembly,
First Regular Session
From General Revenue Fund (0101)\$2,000,000

SECTION 17.155. — To the Department of Natural Resources

For the Division of State Parks

For an engineering and hydrology study at Big Oak Tree State Park

Representing expenditures originally authorized under the provisions of
House Bill 2019, Section 19.050, an Act of the 99th General Assembly,
Second Regular Session, and most recently authorized under the provisions
of House Bill 17, Section 17.180, an Act of the 100th General Assembly,
First Regular Session

From State Park Earnings Fund (0415)\$150,000

SECTION 17.160. — To the Department of Natural Resources

For the Division of State Parks

For state park and historic site capital improvement expenditures, including
design, construction, renovation, maintenance, repairs, replacements,
improvements, adjacent land purchases, installation and replacement of
interpretive exhibits, water and wastewater improvements, maintenance and
repair to existing roadways, parking areas, and trails, acquisition, restoration,
and marketing of endangered historic properties, and expenditure of
recoupments, donations, and grants

Representing expenditures originally authorized under the provisions of
House Bill 19, Section 19.020, an Act of the 100th General Assembly, First
Regular Session

From Department of Natural Resources Federal Fund (0140)\$500,000

From State Park Earnings Fund (0415)750,000

Total.....\$1,250,000

SECTION 17.165. — To the Department of Natural Resources

For side channel and bank improvements near an island located in a county with
a charter form of government and with more than three hundred thousand
but fewer than four hundred fifty thousand inhabitants

Representing expenditures originally authorized under the provisions of
House Bill 19, Section 19.130, an Act of the 100th General Assembly, First
Regular Session

From General Revenue Fund (0101)\$1,000,000

SECTION 17.170. — To the Department of Conservation

For stream access acquisition and development; lake site acquisition and
development; financial assistance to other public agencies or in partnership
with other public agencies; land acquisition for upland wildlife, state forests,
wetlands, and natural areas and additions to existing areas; for major
improvements and repairs (including materials, supplies, and labor) to
buildings, roads, hatcheries, and other departmental structures; and for soil

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

conservation activities, erosion control, and land improvement on department land

Representing expenditures originally authorized under the provisions of House Bill 2019, Section 19.020, an Act of the 99th General Assembly, Second Regular Session, and most recently authorized under the provisions of House Bill 17, Section 17.190, an Act of the 100th General Assembly, First Regular Session

From Conservation Commission Fund (0609)\$2,310,000

SECTION 17.175. — To the Department of Conservation

For stream access acquisition and development; lake site acquisition and development; financial assistance to other public agencies or in partnership with other public agencies; land acquisition for upland wildlife, state forests, wetlands, and natural areas and additions to existing areas; for major improvements and repairs (including materials, supplies, and labor) to buildings, roads, hatcheries, and other departmental structures; and for soil conservation activities, erosion control, and land improvement on department land

Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.025, an Act of the 100th General Assembly, First Regular Session

From Conservation Commission Fund (0609)\$13,765,000

SECTION 17.180. — To the Office of Administration

For the Missouri State Highway Patrol

For planning, design and construction at the General Headquarters

Representing expenditures originally authorized under the provisions of House Bill 2019, Section 19.025, an Act of the 99th General Assembly, Second Regular Session, and most recently authorized under the provisions of House Bill 17, Section 17.225, an Act of the 100th General Assembly, First Regular Session

From General Revenue Fund (0101)\$431,119

From State Highways and Transportation Department Fund (0644)2,377,224

From Gaming Commission Fund (0286)339,603

From DNA Profiling Analysis Fund (0772)2,700,847

Total.....\$5,848,793

SECTION 17.185. — To the Office of Administration

For the Department of Public Safety

For design and construction of a storage building at the St. Louis Veterans' Home

Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.035, an Act of the 97th General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 17, Section 17.235, an Act of the 100th General Assembly, First Regular Session

From Veterans' Commission Capital Improvement Trust Fund (0304)\$843,154

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 17.190. — To the Office of Administration

For the Department of Public Safety

For repair and renovations to state veterans' homes

Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.160, an Act of the 98th General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 17, Section 17.240, an Act of the 100th General Assembly, First Regular Session

From Board of Public Buildings Bond Proceeds Fund (Various) \$145,653

SECTION 17.195. — To the Office of Administration

For the Department of Public Safety

For construction of a new columbarium wall and adjacent roadway at

Bloomfield Veterans Cemetery

Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.040, an Act of the 100th General Assembly, First Regular Session

From Veterans' Commission Capital Improvement Trust Fund (0304) \$3,173,711

SECTION 17.200. — To the Office of Administration

For the Adjutant General - Missouri National Guard

For statewide maintenance and repair at National Guard facilities

Representing expenditures originally authorized under the provisions of House Bill 2018, Section 18.065, an Act of the 98th General Assembly, Second Regular Session, and most recently authorized under the provisions of House Bill 17, Section 17.260 an Act of the 100th General Assembly, First Regular Session

From Adjutant General Federal Fund (0190) \$610,481

SECTION 17.205. — To the Office of Administration

For the Adjutant General - Missouri National Guard

For design and construction of National Guard facilities statewide, an addition to the aircraft maintenance facility at AVCRAD Base in Springfield, and the renovation of a Department of Transportation building for Missouri National Guard troop additions

Representing expenditures originally authorized under the provisions of House Bill 2019, Section 19.030, an Act of the 99th General Assembly, Second Regular Session, and most recently authorized under the provisions of House Bill 17, Section 17.270, an Act of the 100th General Assembly, First Regular Session

From General Revenue Fund (0101) \$94,750

From Adjutant General Federal Fund (0190) 6,868,938

Total..... \$6,963,688

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 17.210. — To the Office of Administration
 For the Adjutant General - Missouri National Guard
 For design and construction of National Guard facilities statewide
 Representing expenditures originally authorized under the provisions of
 House Bill 19, Section 19.030, an Act of the 100th General Assembly, First
 Regular Session
 From Adjutant General Federal Fund (0190)\$19,960,000

SECTION 17.215. — To the Office of Administration
 For the Adjutant General - Missouri National Guard
 For design and construction of an addition to the aircraft maintenance facility at
 AVCRAD Base in Springfield and design and construction of a readiness
 center and maintenance hangar at AVCRAD Base in Springfield
 Representing expenditures originally authorized under the provisions of
 House Bill 19, Section 19.035, an Act of the 100th General Assembly, First
 Regular Session
 From Adjutant General Federal Fund (0190)\$118,000,000

SECTION 17.220. — To the Office of Administration
 For the Department of Corrections
 For repair and renovations at facilities statewide
 Representing expenditures originally authorized under the provisions of
 House Bill 19, Section 19.165, an Act of the 98th General Assembly, First
 Regular Session, and most recently authorized under the provisions of
 House Bill 17, Section 17.275 an Act of the 100th General Assembly, First
 Regular Session
 From Board of Public Buildings Bond Proceeds Fund (Various) \$198,930

SECTION 17.225. — To the Office of Administration
 For the completion of design and construction to replace Fulton State Hospital
 Representing expenditures originally authorized under the provisions of
 House Bill 2005, Section 5.197, an Act of the 97th General Assembly,
 Second Regular Session, and most recently authorized under the provisions
 of House Bill 17, Section 17.285 an Act of the 100th General Assembly,
 First Regular Session
 From Fulton State Hospital Bond Proceeds Fund (Various)\$3,773,901

SECTION 17.230. — To the Office of Administration
 For the Department of Mental Health
 For repair and renovations at facilities statewide
 Representing expenditures originally authorized under the provisions of
 House Bill 19, Section 19.170, an Act of the 98th General Assembly, First
 Regular Session, and most recently authorized under the provisions of
 House Bill 17, Section 17.290 an Act of the 100th General Assembly, First
 Regular Session
 From Board of Public Buildings Bond Proceeds Fund (Various)\$1,410,210

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
 Matter in bold-face type is proposed language.

SECTION 17.235. — To the Office of Administration

For the Department of Social Services

For repair and renovations at facilities statewide

Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.175, an Act of the 98th General Assembly, First Regular Session, and most recently authorized under the provisions of House Bill 17, Section 17.300 an Act of the 100th General Assembly, First Regular Session

From Board of Public Buildings Bond Proceeds Fund (Various) \$284,419

SECTION 17.240. — To the Lieutenant Governor

For a library and museum, located in a home rule city with more than one hundred sixteen thousand but fewer than one hundred fifty-five thousand inhabitants, which promotes awareness of presidents from Missouri

Representing expenditures originally authorized under the provisions of House Bill 19, Section 19.050, an Act of the 100th General Assembly, First Regular Session

From General Revenue Fund (0101) \$1,950,000

Bill Totals

General Revenue Fund..... \$12,914,269

Federal Funds..... 147,095,859

Other Funds..... 81,136,593

Total..... \$241,146,721

Approved June 30, 2020

HCS HB 2018

Appropriates money for the several departments and offices of state government, and the several divisions and programs thereof, for: the purchase of equipment, planning, expenses, and capital improvement projects involving the maintenance, repair, replacement, and improvement of state buildings and facilities

AN ACT to appropriate money for the several departments and offices of state government, and the several divisions and programs thereof, for: the purchase of equipment, planning, expenses, and capital improvement projects involving the maintenance, repair, replacement, and improvement of state buildings and facilities, including installation, modification, and renovation of facility components, equipment or systems; grants, refunds, distributions, planning, expenses, and land improvements; and to transfer money among certain funds; to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the fiscal period beginning July 1, 2020, and ending June 30, 2021.

Be it enacted by the General Assembly of the state of Missouri, as follows:

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, fund transfer, and program described herein for the item or items stated, and for no other purpose whatsoever, chargeable to the fund designated for the period beginning July 1, 2020, and ending June 30, 2021, as follows:

SECTION 18.005. — To the Office of Administration
 For the Department of Elementary and Secondary Education
 For maintenance, repairs, replacements, unprogrammed requirements,
 emergency requirements, operational maintenance and repair, and
 improvements at facilities statewide
 From Facilities Maintenance Reserve Fund (0124).....\$9,201,144

SECTION 18.010. — To the Office of Administration
 For the State Lottery Commission
 For repairs, replacements, and improvements at the Missouri Lottery
 Commission Headquarters
 From Lottery Enterprise Fund (0657).....\$894,105

SECTION 18.015. — To the Office of Administration
 Funds are to be transferred out of the State Treasury to the Facilities
 Maintenance Reserve Fund
 From General Revenue Fund (0101)\$87,865,750

SECTION 18.020. — To the Office of Administration
 For the Division of Facilities Management, Design and Construction
 For emergency requirements, unprogrammed requirements, appraisals and
 surveys, assessment, abatement, removal remediation, and management of
 hazardous materials and pollutants, energy conservation, building
 utilization, and project administration requirements for facilities statewide
 From Facilities Maintenance Reserve Fund (0124)\$73,036,134

For maintenance, repairs, replacements, unprogrammed requirements,
 emergency requirements, operational maintenance and repair, and
 improvements at the Capitol Complex
 From Facilities Maintenance Reserve Fund (0124) 2,910,501
 Total.....\$75,946,635

SECTION 18.025. — To the Office of Administration
 For the Division of Facilities Management, Design and Construction
 For receipt and expenditure of insurance or other reimbursements for damage
 from natural or man-made events
 From Facilities Maintenance Reserve Fund (0124).....\$25,000,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
 Matter in bold-face type is proposed language.

SECTION 18.030. — To the Office of Administration

For the Department of Agriculture

For maintenance, repairs, replacements, unprogrammed requirements,
emergency requirements, operational maintenance and repair, and
improvements at facilities statewide

From Facilities Maintenance Reserve Fund (0124).....\$11,779,909

SECTION 18.035. — To the Office of Administration

For the Department of Natural Resources

For maintenance, repairs, replacements, unprogrammed requirements,
emergency requirements, operational maintenance and repair, and
improvements at facilities statewide

From Facilities Maintenance Reserve Fund (0124).....\$1,752,156

SECTION 18.040. — To the Department of Natural Resources

For the Division of State Parks

For state park and historic site capital improvement expenditures, including
design, construction, renovation, maintenance, repairs, replacements,
improvements, installation and replacement of interpretive exhibits, water
and wastewater improvements, maintenance and repair to existing
roadways, parking areas, and trails, restoration, and marketing of
endangered historic properties, and expenditure of recoupments, donations,
and grants

From Department of Natural Resources Federal (0140).....\$3,292,263

From State Park Earnings Fund (0415)22,968,371

From Historic Preservation Revolving Fund (0430)1,200,000

From State Park Sales Tax Fund (0613).....11,555,961

Total.....\$39,016,595

SECTION 18.045. — To the Office of Administration

For the Department of Conservation

For stream access development; lake site development; financial assistance to
other public agencies or in partnership with other public agencies; major
improvements and repairs (including materials, supplies, and labor) to
buildings, roads, hatcheries, and other departmental structures; and for soil
conservation activities, erosion control, and land improvement on
department land

From Conservation Commission Fund (0609)\$47,290,000

SECTION 18.050. — To the Office of Administration

For the Department of Labor and Industrial Relations

For repairs, replacements, and improvements at facilities statewide

From Workers' Compensation Fund (0652).....\$400,000

From Special Employment Security Fund (0949)800,000

Total.....\$1,200,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 18.055. — To the Office of Administration

For the Department of Public Safety

For repairs, replacements, and improvements at Missouri State Highway Patrol
facilities statewide

From State Highways and Transportation Department Fund (0644)\$12,157,927

SECTION 18.060. — To the Office of Administration

For the Department of Public Safety

For repairs, replacements, and improvements at state veterans' homes

From Veterans' Commission Capital Improvement Trust Fund (0304)\$57,670,463

SECTION 18.065. — To the Office of Administration

For the Adjutant General - Missouri National Guard

For maintenance and repair at National Guard facilities statewide

From Facilities Maintenance Reserve Fund (0124).....\$10,286,531

From Adjutant General Federal Fund (0190)..... 33,054,503

Total.....\$43,341,034

SECTION 18.070. — To the Office of Administration

For the Department of Corrections

For maintenance, repairs, replacements, unprogrammed requirements,
emergency requirements, operational maintenance and repair, and
improvements at facilities statewide

From Facilities Maintenance Reserve Fund (0124)\$40,906,619

SECTION 18.075. — To the Department of CorrectionsFor maintenance, repairs, replacements, unprogrammed requirements,
emergency requirements, operational maintenance and repair, and
improvements at facilities statewide

From Facilities Maintenance Reserve Fund (0124)\$2,000,000

SECTION 18.080. — To the Office of Administration

For the Department of Mental Health

For maintenance, repairs, replacements, unprogrammed requirements,
emergency requirements, operational maintenance and repair, and
improvements at facilities statewide

From Facilities Maintenance Reserve Fund (0124).....\$23,258,270

SECTION 18.085. — To the Office of Administration

For the Department of Social Services

For maintenance, repairs, replacements, unprogrammed requirements,
emergency requirements, operational maintenance and repair, and
improvements at facilities statewide

From Facilities Maintenance Reserve Fund (0124).....\$6,494,182

From Department of Social Services Federal Fund (0610)..... 470,832

Total.....\$6,965,014

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Bill Totals

General Revenue Fund.....	\$87,865,750
Federal Funds.....	36,817,598
Other Funds.....	<u>154,936,827</u>
Total.....	\$279,620,175

Approved June 30, 2020

HCS HB 2019

Appropriates money for the several departments and offices of state government, and the several divisions and programs thereof, for planning and capital improvements

AN ACT to appropriate money for the several departments and offices of state government, and the several divisions and programs thereof, for planning and capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri for the fiscal period beginning July 1, 2020, and ending June 30, 2021.

Be it enacted by the General Assembly of the state of Missouri, as follows:

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program described herein for the item or items stated, and for no other purpose whatsoever, chargeable to the fund designated for the period beginning July 1, 2020, and ending June 30, 2021, as follows:

SECTION 19.015. — To the Department of Natural Resources

For the Division of State Parks

For state park and historic site capital improvement expenditures, including design, construction, renovation, maintenance, repairs, replacements, improvements, adjacent land purchases, installation and replacement of interpretive exhibits, water and wastewater improvements, maintenance and repair to existing roadways, parking areas, and trails, acquisition, restoration, and marketing of endangered historic properties, and expenditure of recoupments, donations, and grants

From Department of Natural Resources Federal Fund (0140)	\$500,000
From State Park Earnings Fund (0415)	<u>800,000</u>
Total.....	\$1,300,000

SECTION 19.020. — To the Department of Conservation

For major improvements and repairs (including materials, supplies, and labor) to buildings, roads, hatcheries, and other departmental structures; and for soil conservation activities, erosion control, and land improvement on department land

From Conservation Commission Fund (0609)	\$21,000,000
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EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 19.025. — To the Office of Administration
 For the Adjutant General - Missouri National Guard
 For design and construction of National Guard facilities statewide
 From Adjutant General Federal Fund (0190).....\$20,000,000

SECTION 19.030. — To the Office of Administration
 For the Department of Public Safety
 For construction of a new columbarium wall and adjacent roadway at
 Jacksonville Veterans Cemetery
 From Veterans Commission Capital Improvement Trust Fund (0304)\$1,364,134
 From Veterans Assistance Fund (0461) 1,000,000
 Total.....\$2,364,134

SECTION 19.035. — To the Office of Administration
 For the Department of Mental Health
 For the planning, design, and renovation of the Biggs facility at the Fulton State
 Hospital
 From Fulton State Hospital Bond Proceeds Fund (Various)\$1,600,000

Bill Totals
 Federal Funds.....\$20,500,000
 Other Funds..... 25,764,134
 Total.....\$46,264,134

Approved June 30, 2020

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SCS HB 1330

Enacts provisions relating to conveyance of state property.

AN ACT to authorize the conveyance of certain state property, with an emergency clause.

SECTION

- 1 Conveyance of property in Cole County, Missouri, to the Heartland Port Authority of Central Missouri.
- 2 Easement for property in Cole County, Missouri, to the Heartland Port Authority of Central Missouri.
- 3 Conveyance of property in City of Fulton, Callaway County, Missouri.
- 4 Conveyance of property in St. Francois County, Missouri.
- 5 Easement for property in St. Francois County, Missouri.
- 6 Conveyance of property in Ste. Genevieve County, Missouri, to U.S. Department of Interior, National Park Service.
- 7 Conveyance of property in City of Moberly, Randolph County, Missouri.
- B Emergency clause.

Be it enacted by the General Assembly of the state of Missouri, as follows:

SECTION 1. CONVEYANCE OF PROPERTY IN COLE COUNTY, MISSOURI, TO THE HEARTLAND PORT AUTHORITY OF CENTRAL MISSOURI. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release, and forever quitclaim all interest of the state of Missouri in property located in Cole County, Missouri, to the Heartland Port Authority of Central Missouri. The property to be conveyed is more particularly described as follows:

Part U.S. PRIVATE SURVEY NO. 2616 including a part of LOTS 3 and 4 and part the area designated as Sand Bar on the Plat of Subdivision, Ewing Farm, per plat of record in Plat Book 1, page 69, Cole County Recorder's Office, being situated in said U.S. PRIVATE SURVEY NO. 2616, Township 44 North, Range 10 West, Cole County, Missouri, more particularly described as follows:

From the northwest corner of the Northeast Fractional Quarter of Section 20, Township 44 North, Range 10 West; thence S2°22'44"W, along the Quarter Section Line, 1162.70 feet; thence N87°37'16"W, on direct line, 2452.07 feet to the northeasterly corner of the property described by deed of record in Book 460, page 169, Cole County Recorder's Office; thence S74°30'25"W along the northerly boundary of said property described in Book 460, page 169, 198.43 feet to the POINT OF BEGINNING for this description; thence continuing along the boundary of said property described in Book 460, page 169 the following courses: S74°30'25"W, 973.89 feet; thence S16°54'16"E, 507.55 feet; thence S7°50'42"E, 86.00 feet; thence leaving the boundary of said property described in Book 460, page 169, S88°51'47"W, 758.00 feet; thence S4°29'17"E, 766.46 feet to a point 50 feet northerly from, measured at right angles to the center of an existing roadway, known as No More Victims Road; thence westerly, parallel to the center of said roadway, the following courses: N86°59'30"W, 480.89 feet; thence, on a curve to the right, having a radius of 1258.73 feet, an arc distance of 172.85 feet (the chord of said curve being N83°03'27"W, 172.72 feet); thence, on a curve to the left, having a radius of 1087.38 feet, an arc distance of 194.86 feet (the chord of said curve being N84°15'26"W,

194.60 feet); thence N89°23'27"W, 14.08 feet; thence leaving said parallel line, N23°37'34"E, 544.20 feet; thence N3°51'51"E, 2512.45 feet, to a point on the southerly high bank of the Missouri River; thence continuing easterly along the said southerly high bank of the Missouri River the following courses: N87°18'29"E, 96.47 feet; thence S88°20'06"E, 123.50 feet; thence N71°28'05"E, 34.80 feet; thence S89°52'27"E, 97.36 feet; thence N86°05'47"E, 71.36 feet; thence N81°27'04"E, 96.93 feet; thence S77°57'35"E, 54.54 feet; thence S37°42'55"E, 51.38 feet; thence N89°54'43"E, 17.99 feet; thence N14°37'35"E, 57.63 feet; thence S85°58'53"E, 91.33 feet; thence N78°13'33"E, 121.85 feet; thence N87°21'39"E, 303.95 feet; thence N85°25'32"E, 213.61 feet; thence S51°13'29"E, 16.59 feet; thence N67°29'52"E, 127.39 feet; thence N78°46'34"E, 47.36 feet; thence N68°47'51"E, 184.29 feet; thence N79°10'13"E, 110.57 feet; thence N82°13'29"E, 135.81 feet; thence N73°05'08"E, 71.69 feet; thence N65°24'55"E, 73.93 feet; thence N60°00'41"E, 92.56 feet; thence N80°46'44"E, 67.85 feet; thence N69°53'55"E, 89.88 feet; thence leaving said southerly high bank of the Missouri River, S5°50'18"W, 1474.74 feet; thence N69°52'27"W, 90.00 feet; thence S18°51'43"W, 425.00 feet to the POINT OF BEGINNING. TOGETHER WITH the area between the southerly waters edge of the Missouri River and the southerly high bank of the Missouri River described above.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required and the time, place, and terms of the conveyance.

3. The attorney general shall approve the form of the instrument of conveyance.

SECTION 2. EASEMENT FOR PROPERTY IN COLE COUNTY, MISSOURI, TO THE HEARTLAND PORT AUTHORITY OF CENTRAL MISSOURI. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, or convey an easement over, on, or under property located in Cole County, Missouri, to the Heartland Port Authority of Central Missouri. The easement is more particularly described as follows:

Along with the right of ingress and egress over a strip of ground for an existing roadway known as No More Victims Road in Lots 2 & 3 of the Plat of Subdivision, Ewing Farm, as per plat of record in Plat Book 1, page 69, Cole County Recorder's Office, being situated in U.S. PRIVATE SURVEY NO. 2616 and in Fractional Section 19, Township 44 North, Range 10 West, more particularly described as follows:

From the northwest corner of the Northeast Fractional Quarter of Section 20 Township 44 North, Range 10 West; thence S2°22'44"W, along the Quarter Section Line, 1162.70 feet; thence N87°37'16"W, on direct line, 2452.07 feet to the northeasterly corner of the property described by deed of record in Book 460, page 169, Cole County Recorder's Office; thence, along the boundary of said property described in Book 460, page 169, the following courses: S74°30'25"W, 1172.32 feet; thence S16°54'16"E, 507.55 feet; thence S7°50'42"E, 86.00 feet; thence leaving the boundary of said property described in Book 460, page 169, S88°51'47"W, 758.00 feet; thence S4°29'17"E, 766.46 feet to a point 50 feet northerly of, measured at right angles to the center of an existing roadway, known as No More Victims Road and being the POINT OF BEGINNING for this description; thence S3°00'30"W, 100.00

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

feet to a point 50 feet southerly from, measured at right angles to the center of said roadway; thence westerly, parallel to the center of said roadway, the following courses: N86°59'30"W, 480.89 feet; thence, on a curve to the right, having a radius of 1358.73 feet, an arc distance of 186.58 feet (the chord of said curve being N83°03'27"W, 186.44 feet); thence, on a curve to the left, having a radius of 987.38 feet, an arc distance of 176.94 feet (the chord of said curve being N84°15'26"W, 176.70 feet); thence N89°23'27"W, 98.75 feet; thence, on a curve to the left, having a radius of 3336.96 feet, an arc distance of 344.53 feet (the chord of said curve being S87°39'05"W, 344.37 feet); thence S84°41'37"W, 154.13 feet; thence on a curve to the left, having a radius of 1628.82 feet, an arc distance of 96.99 feet (the chord of said curve being S82°59'15"W, 96.98 feet) thence S81°16'54"W, 260.95 feet; thence on a curve to the right, having a radius of 7773.26 feet, an arc distance of 362.27 feet (the chord of said curve being S82°37'00"W, 362.23 feet); thence S83°57'07"W, 172.61 feet; thence on a curve to the right, having a radius of 1939.04 feet, an arc distance of 123.13 feet (the chord of said curve being S85°46'16"W, 123.11 feet); thence S87°35'25"W, 305.56 feet; thence on a curve to the right, having a radius of 2266.43 feet, an arc distance of 579.68 feet (the chord of said curve being N85°04'58"W, 578.10 feet); thence N77°45'21"W, 297.61 feet; thence leaving the aforesaid parallel line, S16°55'27"W, 47.95 feet to a point on the northerly line of the Missouri Pacific Railroad right-of-way; thence westerly, along the northerly line of said railroad right-of-way, on a curve to the right, having a radius of 2745.07 feet, an arc distance of 100.01 feet (the chord of said curve being N72°06'07"W, 100.00 feet) to a point on the Range Line, being westerly line of the aforesaid Fractional Section 19, Township 44 North, Range 10 West; thence N2°46'47"E, along the Range Line, 139.85 feet to a point 50 feet northerly of, measured at right angles to the center of the aforesaid roadway known as No More Victims Road; thence easterly, parallel to the center of said roadway, the following courses: S77°45'21 "E, 424.03 feet; thence on a curve to the left, having a radius of 2166.43 feet, an arc distance of 554.10 feet (the chord of said curve being S85°04'58"E, 552.59 feet); thence N87°35'25"E, 305.56 feet; thence on a curve to the left, having a radius of 1839.04 feet, an arc distance of 116.78 feet (the chord of said curve being N85°46'16"E, 116.76 feet); thence N83°57'07"E, 172.61 feet; thence on a curve to the left, having a radius of 7673.26 feet, an arc distance of 357.60 feet (the chord of said curve being N82°37'00"E, 357.57 feet); thence N81°16'54"E, 260.95 feet; thence on a curve to the right, having a radius of 1728.82 feet, an arc distance of 102.95 feet (the chord of said curve being N82°59'15"E, 102.93 feet); thence N84°41'37"E, 154.13 feet; thence on a curve to the right, having a radius of 3436.96 feet, an arc distance of 354.85 feet (the chord of said curve being N87°39'05"E, 354.69 feet); thence S89°23'27"E, 84.67 feet; thence continuing S89°23'27"E, 14.08 feet; thence on a curve to the right, having a radius of 1087.38 feet, an arc distance of 194.86 feet (the chord of said curve being S84°15'26"E, 194.60 feet); thence on a curve to the left, having a radius of 1258.73 feet, an arc distance of 172.85 feet (the chord of said curve being S83°03'27"E, 172.72 feet); thence S86°59'30"E, 480.89 feet to the POINT OF BEGINNING.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required and the time, place, and terms of the conveyance.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

3. The attorney general shall approve the form of the instrument of conveyance.

SECTION 3. CONVEYANCE OF PROPERTY IN CITY OF FULTON, CALLAWAY COUNTY, MISSOURI. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release, and forever quitclaim all interest of the state of Missouri in property located in the City of Fulton, Callaway County, Missouri, which is more particularly described as follows:

PROPERTY BOUNDARY DESCRIPTION - TRACT A Part of Block 3 of Martha T. Dyer's Subdivision, as per plat of record in Plat Book P, page 83, Callaway County Recorder's Office, also being part of Lot 1 and part of Lot 3 of Block 89 of the New City Plat in the City of Fulton, as recorded in Plat Book 2, page 80, Callaway County Recorder's Office and also being part of the East Half of the Northwest Quarter of Section 16, Township 47 North, Range 9 West, in the City of Fulton, Callaway County, Missouri, more particularly described as follows:

BEGINNING at the southeasterly corner of Lot 5 of Block 3 of said Martha T. Dyer's Subdivision, thence continuing N87°40'08"W, along the southerly line of said Lot 5 and the westerly extension thereof, 317.56 feet to the southeasterly corner of Lot 22 of said Martha T. Dyer's Subdivision; thence continuing N87°40'08"W, along the southerly line of Lot 22 of said Martha T. Dyer's Subdivision, 277.32 feet to the easterly right-of-way line of a portion of State Street vacated by Bill No. 289, Ordinance No. 519, Dated April 10, 1923; thence N1°02'38"E, along said vacated and the existing easterly right-of-way line of said State Street, 349.96 feet to the southwesterly corner of Lot 25 of Block 3 of said Martha T. Dyer's Subdivision; thence S87°40'08"E, along the southerly line of said Lot 25, 12.00 feet; thence N1°02'38"E, parallel to the existing easterly right-of-way line of said State Street, 180.47 feet to the southerly right-of-way line of East 8th Street; thence S87°10'02"E, along the southerly right-of-way line of East 8th Street, 588.68 feet to the westerly right-of-way line of Hillcrest Street (formerly known as Nolley Street); thence S1°39'41"W, along the westerly right-of-way line of Hillcrest Street, 525.18 feet to the point of beginning.

Containing 7.19 acres.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required and the time, place, and terms of the conveyance.

3. The attorney general shall approve the form of the instrument of conveyance.

SECTION 4. CONVEYANCE OF PROPERTY IN ST. FRANCOIS COUNTY, MISSOURI. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release, and forever quitclaim all interest of the state of Missouri, including all possibilities of reverter or reversionary interests, in property located in St. Francois County, Missouri. The property to be conveyed is more particularly described as follows:

Parcel 1: All of that part of Lots 89 and 92 of F. W. Rohland's Subdivision of U. S. Survey No. 2969, Township 35 North, Range 5 East, St. Francois County, Missouri, lying East of the City of Farmington Treatment Plant, North of the Treatment Plant access road, and West of property under private ownership. Containing approximately 46.17 acres, more or less.

Also a tract of land situated in part of Lot 92 of F. W. Rohland's Subdivision, U. S. Survey 2969, Township 35 North, Range 5 East, St. Francois County, Missouri. Containing approximately 14.69 acres, more or less.

Parcel 2: Part of lots 84, 85, 86, 87, 93 and 96 of F.W. Rohland's subdivision of U.S. Survey 2969, township 35 north, range 5 east, more particularly described as: Beginning at the northeast corner of a tract of land recorded in deed book 585 at page 734 of the land records of St. Francois county; thence along the north line of said tract north 86 degrees 15 minutes west, 800.96 feet to a point, said point being on the east right-of-way line of U.S. highway 67; thence along said right-of-way line north 03 degrees 45 seconds east, 1,554.90 feet to a point, thence leaving said right-of-way line south 82 degrees 17 minutes 10 seconds east, 2,953.41 feet to a stone at a fence corner; thence north 64 degrees 27 minutes 42 seconds east, 1,367.83 feet to a point; thence north 07 degrees 13 minutes east, 310.0 feet to a point; thence south 82 degrees 45 minutes east, 52.0 feet to a point on the west line of U.S. Survey 339; thence along said west line south 07 degrees 21 minutes 31 seconds west, 2,600.00 feet to a point; thence leaving said west line north 82 degrees 32 minutes 01 second west, 1,379.12 feet to a point; thence in a straight line in a westerly direction to a point on the east line of a tract of land recorded in deed book 585 at page 734, said point being located south 03 degrees 44 minutes 23 seconds west, 55.00 feet from the northeast corner of said tract; thence along the east line of said tract north 03 degrees 44 minutes 23 seconds east, 55.00 feet to the point of beginning, containing 156.35 acres, more or less.

Parcel 3: All that part of Lots 77, 79, 96, 97, 98, 99, 100, 101, and 102 of R. W. Rohland's Subdivision of U. S. Survey No. 2969 now owned by the State of Missouri for State Hospital No. 4, and lying West of the West right-of-way line of U. S. Highway 67 and containing 165 acres, more or less, and more particularly described as follows:

A part of Lots Seventy-seven (77), Seventy-nine (79), Ninety-six (96), Ninety-seven (97), Ninety-eight (98), Ninety-nine (99), One Hundred (100), One Hundred and One (101) and One Hundred and Two (102) of F. W. Rohland's Subdivision of U. S. Survey No. 2969, as recorded in Volume "F", Page 441, in the Recorder's Office of St. Francois County, Missouri, all being part of Township 35 North, Range 5 East, in St. Francois County, Missouri and being more particularly described as follows: Beginning at a stone being the Northeast corner of Lot No. 100 of said F. W. Rohland's Subdivision of U. S. Survey No. 2969; thence S. 7° 17' 20" West along the East line of Lot #100 of said Rohland's Subdivision, 1561.64 feet to the Southeast corner of said Lot #100; thence South 82° 17' 10" East along the North line of Lot #96 of said Rohland's Subdivision, 272.28 feet to the Westerly line of Missouri State Route 67; thence South 3° 45' 00" West along the Westerly line of Missouri State Route 67, 2001.07 feet to a point on the centerline of the abandoned Missouri Pacific Railroad as per disclaimer deed in Book 698, Page 283 in the Recorder's Office of St. Francois County, Missouri; thence North 51° 46' 15" West along the centerline of said abandoned Missouri Pacific Railroad, 2946.80 feet; thence North 39° 01' 34" East 439.20 feet; thence South 50° 58' 26" East along a southerly line of the L.V. McGee Property, 50.0 feet; thence North 39° 01' 34" East along the easterly line of said L.V. McGee Property and the extension thereof 172.00 feet to the centerline of Second Street; thence easterly along the centerline of Second Street the following

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Matter in bold-face type is proposed language.

courses and distances; South 50° 58' 26" East 125.77 feet; thence South 78° 28' 15" East 161.12 feet; thence North 81° 03' 45" East 264.70 feet; thence North 69° 49' 45" East 104.00 feet; thence North 66° 45' 45" East 385.50 feet to a point on the easterly extension of the North line of Lots #48 and #49 of the Town of Delassus; thence leaving Second Street N. 51° 42' 15" West along said extension and the North line of Lots #48 and #49 of Delassus, 1602.80 feet to the Northwest corner of Lot #49 of Delassus; thence North 38° 15' 45" East along the westerly line of Lots "B" and "D" of Delassus, 578.94 feet to the North line of Lot #101 of said Rohland's Subdivision; thence South 82° 18' 14" East along the North line of said Lot #101, 557.52 feet to the Southwest corner of Lot #79 of said Rohland's Subdivision; thence North 6° 40' 05" East along the westerly line of said Lot #79, and the East line of a tract of land conveyed to Hues W. and Esther Pratt per deed of record in Book 260, Page 564, in the Recorder's Office of St. Francois County, Missouri, 986.85 feet to the northeasterly corner of said Pratt Tract; thence North 38° 24' 49" East 571.59 feet to the southerly line of Missouri State Rte. "W"; thence northeasterly along the southerly line of said Rte. "W", the following courses and distances North 66° 29' 30" East 190.16 feet; thence South 23° 30' 30" East 10.0 feet; thence North 66° 29' 30" East 99.33 feet; thence North 65° 32' 30" East 102.12 feet; thence South 24° 27' 30" East 20.0 feet; thence North 65° 32' 30" East 99.21 feet to the northwesterly corner of the Missouri State Highway Department maintenance tract; thence leaving said Rte. "W", South 24° 27' 30" East along the westerly line of said Highway Tract 606.30; thence North 65° 26' 55" East along the southerly line of said Highway Tract, 391.65 feet to the West line of Missouri State Rte. 67; thence South 4° 06' 20" East along the West line of said Rte. 67, 414.24 feet; thence South 03° 45' 00" West 999.18 feet to the North line of Lot # 95 of said Rohland's Subdivision; thence North 81° 58' 50" West along the North line of Lot #95, 175.73 feet to the point of beginning, containing 168.49 acres, more or less. Legal description based upon a survey of State Hospital No. 4, Farmington, MO performed by Larry V. Brickly, Surveyor #1188 in August, 1979.

Parcel 4: A part of Lots 92, 93, 96 and 97 of F. W. Rohland's Subdivision of U. S. Survey No. 2969 as recorded in Volume "F", Page 441, in the Office of the Recorder of Deeds of St. Francois County, Missouri, all in s Township 35 North, Range 5 East of the Fifth Principal Meridian, St. Francois County, Missouri, and more particularly described as follows: Commencing at the Northeast corner of said Lot 97 at an existing iron railroad rail monument and running thence North 7 degrees 06' 23" East, 32.12 feet along the East line of said Lot 96 to a point of beginning; and running thence South 86 degrees 29' 00" East, 255.18 feet; thence South 3 degrees 31' 00" West, 1,091.40 feet; thence North 51 degrees 56' 46" West, 972.32 feet along the North right-of-way line of the Missouri Pacific Railroad; thence North 3 degrees 31' 00" East, 540.15 feet along the east right-of-way line of U. S. Highway No. 67; thence South 86 degrees 29' 00" East 545.78 feet to the point of beginning; said tract containing 15.000 acres.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required and the time, place, and terms of the conveyance.

3. The attorney general shall approve the form of the instrument of conveyance.

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SECTION 5. EASEMENT FOR PROPERTY IN ST. FRANCOIS COUNTY, MISSOURI. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, or convey an easement over, on, or under property located in St. Francois County, Missouri. The easement is more particularly described as follows:

Parcel 5: A permanent easement-for maintenance and construction to be fifteen (15) feet in total width, with five (5) feet to the right or west of the following described centerline and ten (10) feet to the left or east of the following described centerline. And, a temporary easement for use during construction to be twenty-five (25) feet in total width, and to extend no more than twenty (20) feet on either side of the following described centerline: Commencing on the centerline of Missouri State Route "W" at the West line of Lot 63 of F. W. Rohland's Subdivision of said Survey No. 2969 and running thence South 65° 17' 55" West, 137.79 feet along the centerline of said Route "W"; thence South 15° 50' 50" East, 30.36 feet to a point of beginning on the South right-of-way line of said Route "W" and the North property line of the above described property; and running thence South 15° 50' 50" East, 192.61 feet, along said easement centerline; thence South 30° 30' 50" West, 870.31 feet; thence South 67° 45' 05" West, 247.08 feet; thence South 25° 31' 40" West, 1,873.38 feet; thence South 3° 31' 00" West 210.00 feet along a line parallel to and 215 feet easterly from the centerline of U. S. Highway No. 67, to a point of termination of said centerline on the south line of aforesaid Lot 80 and the south line of the above described property; aforesaid centerline being 3,393.38 feet in length.

A permanent easement for maintenance and construction to be fifteen (15) feet in width, with five (5) feet to the right or west of the following described centerline and ten (10) feet to the left or east of the following described centerline. And, a temporary easement for use during construction to be twenty-five (25) feet in width, with five (5) feet to the right or west of the following described centerline and twenty (20) feet to the left or east of the following described centerline. Said centerline begins at a point on the north line of said Lot 96, which is South 86° 29' East, 130.00 feet from the centerline of U. S. Highway No. 67, and runs thence South 3° 31' 00" West, 1,554.39 feet parallel to the centerline of said Highway 67 to a point of termination, which is on the North line of a 15.000 acre tract. The West line of this easement strip is contiguous with the East right-of-way line of said Highway 67.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required and the time, place, and terms of the conveyance.

3. The attorney general shall approve the form of the instrument of conveyance.

SECTION 6. CONVEYANCE OF PROPERTY IN STE. GENEVIEVE COUNTY, MISSOURI, TO U.S. DEPARTMENT OF INTERIOR, NATIONAL PARK SERVICE. — 1. The director of the department of natural resources is hereby authorized and empowered to sell, transfer, grant, convey, remise, release, and forever quitclaim to all interest of the department of natural resources in property located in Ste. Genevieve County, Missouri, to the United States Department of the Interior, National Park Service. The property to be conveyed is more particularly described as follows:

PARCEL ONE

All of that part of United States Survey No. 159 in City Block No. Nine (9) of the City of Ste. Genevieve, described as follows, to-wit: Begin at the North West corner of said Block No. 9, thence South 6° 25' East, along Eastern line of Second Street, 192 feet and 9 inches, to the South West corner of said Survey No. 159; thence North 78° East, 97 feet, along Southern line of said Survey to the South West corner of a part of said Survey owned by John L. Boverie; thence North 6° 45' West, 194 feet, more or less, along said Boverie's Western line to his North West corner on Southern line of Merchant Street; Thence along said Southern line of Merchant Street, South 77° 10' West, 96 feet and 6 inches, to the place of beginning; and being the same tract conveyed by deed recorded in Book 103 at Page 498 of the Ste. Genevieve County Missouri Land Records. And being the same parcel transferred to the department of natural resources at Book 191, Page 242 of Ste. Genevieve County Missouri land records.

PARCEL TWO

ALL THAT PART OF SURVEY 167 IN BLOCK NUMBER 15 IN THE CITY OF STE. GENEVIEVE, MISSOURI DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE NORTHEAST CORNER OF SURVEY 167 AND RUNNING THENCE WITH THE WEST LINE OF SECOND STREET SOUTH 06 DEGREES 25 MINUTES EAST 116 FEET 08 INCHES TO THE PLACE OF BEGINNING OF PARCEL HEREIN DESCRIBED; CONTINUING THENCE SOUTH 06 DEGREES 25 MINUTES EAST 75 FEET 08 INCHES TO POINT FOR CORNER; THENCE SOUTH 78 DEGREES 15 MINUTES WEST 79.50 FEET TO POINT FOR CORNER; THENCE NORTH 13 DEGREES 45 MINUTES WEST 75 FEET 08 INCHES TO A STONE FOR CORNER; THENCE NORTH 78 DEGREES 15 MINUTES EAST 88 FEET 10 INCHES TO PLACE OF BEGINNING.

ALSO

ALL THAT PART OF SURVEY 167 IN BLOCK NUMBER 15 IN THE CITY OF STE. GENEVIEVE, MISSOURI DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE NORTHEAST CORNER OF SURVEY 167 AND RUNNING THENCE WITH THE SOUTH LINE OF MERCHANT STREET, SOUTH 75 DEGREES 48 MINUTES WEST 56 FEET AND 06 INCHES TO A CORNER; THENCE SOUTH 10 DEGREES 30 MINUTES EAST 111.50 FEET TO A POINT FOR CORNER; THENCE NORTH 78 DEGREES 15 MINUTES EAST 52 FEET TO A CORNER IN THE WEST LINE OF SECOND STREET, NORTH 06 DEGREES 25 MINUTES WEST 116 FEET 08 INCHES TO THE PLACE OF BEGINNING. AND BEING THE SAME PARCEL TRANSFERRED TO THE DEPARTMENT OF NATURAL RESOURCES AT BOOK 495, PAGE 109 OF THE STE. GENEVIEVE COUNTY MISSOURI LAND RECORDS.

PARCEL THREE

Part of U.S. Survey No. 352 in the City of Ste. Genevieve, Missouri Township 38 North Range 9 East of the Fifth Principal Meridian and being the same tract of land conveyed to Steven D. Mellies and Emily F. Mellies, his wife by deed recorded in Book 634, Page 60 in the Ste. Genevieve County, Missouri, land records and being more particularly described as follows: Beginning at a stone on the Southwest line of St. Marys Road, said stone being the most Northern corner of a tract of land

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conveyed to Lawrence A. Marler and Donna C. Marler, his wife by deed recorded in Book 455, Page 286 in the Ste. Genevieve County, Missouri, land records; thence South 28 degrees 39 minutes 37 seconds West along the Western boundary line of said Marler tract and the Northern boundary line of a tract of land conveyed to Joseph H. Oberle by deed recorded in Book 143, Page 593 in the Ste. Genevieve County, Missouri land records a distance of 112.29 feet to an iron pin; thence continuing along said Northern boundary line of said Oberle tract and the North line of a tract of land conveyed to Jack E. Oberle and Josi P. Oberle, his wife by deed recorded in Book 504, Page 1 in the Ste. Genevieve County, Missouri land records North 71 degrees 46 minutes 30 seconds West a distance of 59.20 feet to a drill steel at the Northwest corner of said Oberle tract recorded in Book 504, Page 1; thence continuing North 71 degrees 46 minutes 30 seconds West along the North line of a tract of land conveyed to Jack E. Oberle by deed recorded in Book 474, Page 333 in the Ste. Genevieve County, Missouri land records a distance of 69.97 feet to an iron pipe at the Northwest corner thereof, said iron pipe being the Northeast corner of a tract of land conveyed to William J. Hauck and Louise Hauck, his wife, by deed recorded in Book 353, Page 349 in the Ste. Genevieve County, Missouri land records; thence North 76 degrees 29 minutes 58 seconds West along the North line of said Hauck tract a distance of 32.98 feet to an angle iron, said angle iron being the Southeast corner of a tract of land conveyed to Martin F. Radmer and Dorothy M. Radmer, his wife by deed recorded in Book 224, Page 212 in the Ste. Genevieve County, Missouri land records; thence North 10 degrees 57 minutes 08 seconds East along the East line of said Radmer tract and the East line of a tract of land conveyed to Daniel F. Herzog, a single person, by deed recorded in Book 496, Page 66 in the Ste. Genevieve County, Missouri land records a distance of 159.88 feet to an iron pin on the aforesaid Southwest line of St. Marys Road, said iron pin being the Northeast corner of said Herzog tract; thence South 59 degrees 08 minutes 02 seconds East along said Southwest line of St Marys Road a distance of 207.65 feet to the point of beginning, containing 0.56 acre and subject to any easements, reservations or restrictions on record or now in effect.

SUBJECT to a non-exclusive easement 12 feet in width for the purposes of a driveway as described in deed recorded in Book 634, Page 60 in the Ste. Genevieve County, Missouri land records.

ALSO, a non-exclusive easement for ingress and egress over the North 10 feet of the following described property: All that part of United States Survey No. 352 in the City of Ste. Genevieve, Missouri which is described as follows, to-wit: Beginning at the Southwest corner of said Survey No. 352, said corner being the intersection of the East line of Hill Street with the North line of Seraphin Street. Thence with the East line of Hill Street, North 01 degree West 185 feet 6 inches to the Northwest corner of a lot heretofore sold to Benjamin Hauck, to the place of beginning of lot herein described. Continuing thence, with the East line of Hill Street, North 01 degree West 96 feet to the Southwest corner of a lot formerly belonging to Andrew W. Roth as is recorded in Book 97 at Page 400, Ste. Genevieve County land records. Thence North 89 degrees 60 feet 4 inches to a corner. Thence South 79 degrees East 60 feet to a corner which is the Southeast corner of a lot formerly conveyed to R.S. Webster as is recorded in Book 122 at page 436, Ste. Genevieve County land records. Thence **South 71 degrees 30 minutes East 33 feet to a corner. Thence South 01 degree East**

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51 feet 8 inches to the Northeast corner of a lot formerly conveyed to Benjamin Hauck. Thence South 80 degrees 25 minutes West 152 feet 3 inches to the place of beginning.

Hereby intending to grant an easement over a driveway as set in Book 140 at Page 31 and in Book 183 at Page 649 of the land records of Ste. Genevieve County, Missouri. And being the same parcel transferred to the department of natural resources at Book 2017, Page 646 of Ste. Genevieve County Missouri land records.

2. The director of the department of natural resources shall set the terms and conditions for the conveyance as the director deems reasonable. Such terms and conditions may include, but are not limited to, the number of appraisals required and the time, place, and terms of the conveyance.

3. The department's general counsel shall approve the form and the instrument of conveyance.

SECTION 7. CONVEYANCE OF PROPERTY IN CITY OF MOBERLY, RANDOLPH COUNTY, MISSOURI. — 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release, and forever quitclaim all interest of the state of Missouri in property located in the City of Moberly, Randolph County, Missouri. The property to be conveyed is more particularly described as follows:

Starting at a point 420 feet south, and 30 feet west of the NE corner of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 25, Township 53 N., Range 14 W., thence West 550 feet parallel with the North line of said Section 25, thence N. 45° W. to a point 100 feet south of the north line of said Section 25, thence west parallel with said north line of said Section 25, 260 feet, thence S. 45° W. to the easterly right-of-way of U. S. Highway Route 63, thence southeasterly around the curve of the said easterly right-of-way of U. S. Route 63, to a point 120 feet south of the south line of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 25, 53, 14, thence northeasterly to a point 30 feet west and 865 feet south of the NE corner of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 25, thence N. 445 feet more or less to place of beginning: said tract containing 23.1 acres, more or less, and being situated in parts of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ NW $\frac{1}{4}$, and the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 25, Township 53 N., Range 14 West, in Randolph County, Missouri.

2. The commissioner of administration shall set the terms and conditions for the conveyance as the commissioner deems reasonable. Such terms and conditions may include, but not be limited to, the number of appraisals required and the time, place, and terms of the conveyance.

3. The attorney general shall approve the form of the instrument of conveyance.

SECTION B. EMERGENCY CLAUSE. — Because immediate action is necessary to convey certain state property the enactment of sections 4 and 5 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of sections 4 and 5 of this act shall be in full force and effect upon its passage and approval.

Approved July 14, 2020

HB 1386

Enacts provisions relating to lobbyists.

AN ACT to repeal section 105.470, RSMo, and to enact in lieu thereof one new section relating to lobbyists.

SECTION

A Enacting clause.
105.470 Definitions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Section 105.470, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 105.470, to read as follows:

105.470. DEFINITIONS. — As used in section 105.473, unless the context requires otherwise, the following words and terms mean:

(1) "Elected local government official lobbyist", any natural person employed specifically for the purpose of attempting to influence any action by a local government official elected in a county, city, town, or village with an annual operating budget of over ten million dollars;

(2) "Executive lobbyist", any natural person who acts for the purpose of attempting to influence any action by the executive branch of government or by any elected or appointed official, employee, department, division, agency or board or commission thereof and in connection with such activity, meets the requirements of any one or more of the following:

(a) Is acting in the ordinary course of employment on behalf of or for the benefit of such person's employer; or

(b) Is engaged for pay or for any valuable consideration for the purpose of performing such activity; or

(c) Is designated to act as a lobbyist by any person, business entity, governmental entity, religious organization, nonprofit corporation, association or other entity; or

(d) Makes total expenditures of fifty dollars or more during the twelve-month period beginning January first and ending December thirty-first for the benefit of one or more public officials or one or more employees of the executive branch of state government in connection with such activity.

An "executive lobbyist" shall not include a member of the general assembly, an elected state official, or any other person solely due to such person's participation in any of the following activities:

a. Appearing or inquiring in regard to a complaint, citation, summons, adversary proceeding, or contested case before a state board, commission, department, division or agency of the executive branch of government or any elected or appointed officer or employee thereof;

b. Preparing, filing or inquiring, or responding to any audit, regarding any tax return, any public document, permit or contract, any application for any permit or license or certificate, or any document required or requested to be filed with the state or a political subdivision;

c. Selling of goods or services to be paid for by public funds, provided that such person is attempting to influence only the person authorized to authorize or enter into a contract to purchase the goods or services being offered for sale;

d. Participating in public hearings or public proceedings on rules, grants, or other matters;

e. Responding to any request for information made by any public official or employee of the executive branch of government;

f. Preparing or publication of an editorial, a newsletter, newspaper, magazine, radio or television broadcast, or similar news medium, whether print or electronic;

g. Acting within the scope of employment by the general assembly, or acting within the scope of employment by the executive branch of government when acting with respect to the department, division, board, commission, agency or elected state officer by which such person is employed, or with respect to any duty or authority imposed by law to perform any action in conjunction with any other public official or state employee; or

h. Testifying as a witness before a state board, commission or agency of the executive branch;

(3) "Expenditure", any payment made or charge, expense, cost, debt or bill incurred; any gift, honorarium or item of value bestowed including any food or beverage; any price, charge or fee which is waived, forgiven, reduced or indefinitely delayed; any loan or debt which is cancelled, reduced or otherwise forgiven; the transfer of any item with a reasonably discernible cost or fair market value from one person to another or provision of any service or granting of any opportunity for which a charge is customarily made, without charge or for a reduced charge; except that the term "expenditure" shall not include the following:

(a) Any item, service or thing of value transferred to any person within the third degree of consanguinity of the transferor which is unrelated to any activity of the transferor as a lobbyist;

(b) Informational material such as books, reports, pamphlets, calendars or periodicals informing a public official regarding such person's official duties, or souvenirs or mementos valued at less than ten dollars;

(c) Contributions to the public official's campaign committee or candidate committee which are reported pursuant to the provisions of chapter 130;

(d) Any loan made or other credit accommodations granted or other payments made by any person or entity which extends credit or makes loan accommodations or such payments in the regular ordinary scope and course of business, provided that such are extended, made or granted in the ordinary course of such person's or entity's business to persons who are not public officials;

(e) Any item, service or thing of de minimis value offered to the general public, whether or not the recipient is a public official or a staff member, employee, spouse or dependent child of a public official, and only if the grant of the item, service or thing of de minimis value is not motivated in any way by the recipient's status as a public official or staff member, employee, spouse or dependent child of a public official;

(f) The transfer of any item, provision of any service or granting of any opportunity with a reasonably discernible cost or fair market value when such item, service or opportunity is necessary for a public official or employee to perform his or her duty in his or her official capacity, including but not limited to entrance fees to any sporting event, museum, or other venue when the official or employee is participating in a ceremony, public presentation or official meeting therein;

(g) Any payment, gift, compensation, fee, expenditure or anything of value which is bestowed upon or given to any public official or a staff member, employee, spouse or dependent child of a public official when it is compensation for employment or given as an employment benefit and when such employment is in addition to their employment as a public official;

(4) "Judicial lobbyist", any natural person who acts for the purpose of attempting to influence any purchasing decision by the judicial branch of government or by any elected or appointed official or any employee thereof and in connection with such activity, meets the requirements of any one or more of the following:

(a) Is acting in the ordinary course of employment which primary purpose is to influence the judiciary in its purchasing decisions on a regular basis on behalf of or for the benefit of such person's employer, except that this shall not apply to any person who engages in lobbying on an occasional basis only and not as a regular pattern of conduct; or

(b) Is engaged for pay or for any valuable consideration for the purpose of performing such activity;
or

(c) Is designated to act as a lobbyist by any person, business entity, governmental entity, religious organization, nonprofit corporation or association; or

(d) Makes total expenditures of fifty dollars or more during the twelve-month period beginning January first and ending December thirty-first for the benefit of one or more public officials or one or more employees of the judicial branch of state government in connection with attempting to influence such purchasing decisions by the judiciary.

A "judicial lobbyist" shall not include a member of the general assembly, an elected state official, or any other person solely due to such person's participation in any of the following activities:

a. Appearing or inquiring in regard to a complaint, citation, summons, adversary proceeding, or contested case before a state court;

b. Participating in public hearings or public proceedings on rules, grants, or other matters;

c. Responding to any request for information made by any judge or employee of the judicial branch of government;

d. Preparing, distributing or publication of an editorial, a newsletter, newspaper, magazine, radio or television broadcast, or similar news medium, whether print or electronic; or

e. Acting within the scope of employment by the general assembly, or acting within the scope of employment by the executive branch of government when acting with respect to the department, division, board, commission, agency or elected state officer by which such person is employed, or with respect to any duty or authority imposed by law to perform any action in conjunction with any other public official or state employee;

(5) "Legislative lobbyist", any natural person who acts for the purpose of attempting to influence the taking, passage, amendment, delay or defeat of any official action on any bill, resolution, amendment, nomination, appointment, report or any other action or any other matter pending or proposed in a legislative committee in either house of the general assembly, or in any matter which may be the subject of action by the general assembly and in connection with such activity, meets the requirements of any one or more of the following:

(a) Is acting in the ordinary course of employment, which primary purpose is to influence legislation on a regular basis, on behalf of or for the benefit of such person's employer, except that this shall not apply to any person who engages in lobbying on an occasional basis only and not as a regular pattern of conduct; or

(b) Is engaged for pay or for any valuable consideration for the purpose of performing such activity;
or

(c) Is designated to act as a lobbyist by any person, business entity, governmental entity, religious organization, nonprofit corporation, association or other entity; or

(d) Makes total expenditures of fifty dollars or more during the twelve-month period beginning January first and ending December thirty-first for the benefit of one or more public officials or one or more employees of the legislative branch of state government in connection with such activity.

A "legislative lobbyist" shall include an attorney at law engaged in activities on behalf of any person unless excluded by any of the following exceptions. **A "legislative lobbyist" shall not include any legislative liaison. For purposes of this subdivision, "legislative liaison" means any state employee hired to communicate with members of the general assembly on behalf of any elected official of the state; the judicial branch of state government; or any department, agency, board, or commission of the state, provided such entity is a part of the executive branch of state government. Any state employee employed as a legislative liaison who performs lobbying services for any other entity shall register as a lobbyist with respect to such lobbying services. A "legislative**

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lobbyist" shall **also** not include any member of the general assembly, an elected state official, or any other person solely due to such person's participation in any of the following activities:

- a. Responding to any request for information made by any public official or employee of the legislative branch of government;
- b. Preparing or publication of an editorial, a newsletter, newspaper, magazine, radio or television broadcast, or similar news medium, whether print or electronic;
- c. Acting within the scope of employment of the legislative branch of government when acting with respect to the general assembly or any member thereof;
- d. Testifying as a witness before the general assembly or any committee thereof;

(6) "Lobbyist", any natural person defined as an executive lobbyist, judicial lobbyist, elected local government official lobbyist, or a legislative lobbyist;

(7) "Lobbyist principal", any person, business entity, governmental entity, religious organization, nonprofit corporation or association who employs, contracts for pay or otherwise compensates a lobbyist;

(8) "Public official", any member or member-elect of the general assembly, judge or judicial officer, or any other person holding an elective office of state government or any agency head, department director or division director of state government or any member of any state board or commission and any designated decision-making public servant designated by persons described in this subdivision.

Approved July 14, 2020

HCS HB 1387 & 1482

Enacts provisions relating to the protection of residents living in long-term care facilities, with penalty provisions.

AN ACT to amend chapter 198, RSMo, by adding thereto twelve new sections relating to the protection of residents living in long-term care facilities, with penalty provisions.

SECTION

- | | |
|---------|---|
| A | Enacting clause. |
| 198.610 | Citation of law — definitions. |
| 198.612 | Placement of electronic monitoring device — immunity from liability, when — release of recordings, when — rulemaking authority. |
| 198.614 | Unauthorized placement of electronic monitoring device — immunity from liability, when. |
| 198.616 | Acknowledgment form, contents. |
| 198.618 | Resident sole authority to request monitoring — exception for lack of capacity, requirements. |
| 198.620 | Request procedure — form, contents — consent requirements — recordkeeping requirements — access to footage, when. |
| 198.622 | Facility to permit monitoring, requirements. |
| 198.624 | Abuse or neglect of resident, use of footage, reporting requirements. |
| 198.626 | Admissibility of footage in court or administrative proceeding, when. |
| 198.628 | Notice of electronic monitoring to be posted. |
| 198.630 | Sanctions, when — administrative penalty, when. |
| 198.632 | Unauthorized acts, electronic monitoring devices and data — penalties — affirmative defense, when. |

Be it enacted by the General Assembly of the state of Missouri, as follows:

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Matter in bold-face type is proposed language.

SECTION A. ENACTING CLAUSE. — Chapter 198, RSMo, is amended by adding thereto twelve new sections, to be known as sections 198.610, 198.612, 198.614, 198.616, 198.618, 198.620, 198.622, 198.624, 198.626, 198.628, 198.630, and 198.632 to read as follows:

198.610. CITATION OF LAW — DEFINITIONS. — 1. The provisions of sections 198.610 to 198.632 shall be known and may be cited as the "Authorized Electronic Monitoring in Long-Term Care Facilities Act".

2. For purposes of sections 198.610 to 198.632, the following terms shall mean:

(1) "Authorized electronic monitoring", the placement and use of an electronic monitoring device by a resident in his or her room in accordance with the provisions of sections 198.610 to 198.632;

(2) "Department", the department of health and senior services;

(3) "Electronic monitoring device", a surveillance instrument capable of recording or transmitting audio or video footage of any activity occurring in a resident's room;

(4) "Facility" or "long-term care facility", any residential care facility, assisted living facility, intermediate care facility, or skilled nursing facility, as such terms are defined under section 198.006;

(5) "Guardian", the same meaning as defined under section 475.010;

(6) "Legal representative", a person authorized under a durable power of attorney that complies with sections 404.700 to 404.737 to act on behalf of a resident of a facility;

(7) "Resident", a person residing in a facility.

198.612. PLACEMENT OF ELECTRONIC MONITORING DEVICE — IMMUNITY FROM LIABILITY, WHEN — RELEASE OF RECORDINGS, WHEN — RULEMAKING AUTHORITY. — 1. Residents of long-term care facilities in this state shall have the right to place in the resident's room an authorized electronic monitoring device that is owned and operated by the resident or provided by the resident's guardian or legal representative.

2. No facility shall be civilly or criminally liable for activity or action arising out of the use by any resident or any resident's guardian or legal representative of any electronic monitoring device, including the facility's inadvertent or intentional disclosure of a recording made by a resident, or by a person who consents on behalf of the resident, for any purpose not authorized under sections 198.610 to 198.632.

3. No facility shall be civilly or criminally liable for a violation of the Health Insurance Portability and Accountability Act (HIPAA) or any resident's right to privacy arising out of any electronic monitoring conducted under sections 198.610 to 198.632.

4. Except for cases of abuse and neglect, no person shall release any recording made under sections 198.610 to 198.632 without the written permission of the resident or the resident's guardian or legal representative and the long-term care facility.

5. The department shall promulgate rules to implement the provisions of sections 198.610 to 198.632. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2020, shall be invalid and void.

198.614. UNAUTHORIZED PLACEMENT OF ELECTRONIC MONITORING DEVICE — IMMUNITY FROM LIABILITY, WHEN. — 1. For purposes of sections 198.610 to 198.632, the

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placement and use of an electronic monitoring device in the room of a resident is considered to be unauthorized if:

- (1) The placement and use of the device is not open and obvious; or
 - (2) The facility and the department are not informed about the device by the resident, by a person who placed the device in the room, or by a person who is using the device.
2. The department and the facility shall be immune from civil liability in connection with the unauthorized placement or use of an electronic monitoring device in the room of a resident.

198.616. ACKNOWLEDGMENT FORM, CONTENTS. — Each facility shall use an electronic monitoring device acknowledgment form developed by the department and adopted by regulation. The form shall be offered to any resident or resident's guardian or legal representative upon request. The form shall be completed and signed by or on behalf of a resident prior to the installation of, or any use of, an electronic monitoring device in the facility. The form shall state:

- (1) That a person who places an electronic monitoring device in the room of a resident or who uses or discloses a tape or other recording made by the device may be civilly liable for any unlawful violation of the privacy rights of another;
- (2) That a person who, without authorization, places an electronic monitoring device in the room of a resident or who consents to or acquiesces in the unauthorized placement of the device in the room of a resident has waived any privacy right the person may have had in connection with images or sounds that may be acquired by the device;
- (3) That a resident or the resident's guardian or legal representative is entitled to conduct authorized electronic monitoring, and that if the facility refuses to permit the electronic monitoring or fails to make reasonable physical accommodations for the authorized electronic monitoring, the person should contact the department;
- (4) The basic procedures that shall be followed to request authorized electronic monitoring;
- (5) The manner in which sections 198.610 to 198.632 affect the legal requirement to report abuse or neglect when electronic monitoring is being conducted; and
- (6) Any other information regarding authorized or unauthorized electronic monitoring that the department, by regulation, specifies should be included on the form.

198.618. RESIDENT SOLE AUTHORITY TO REQUEST MONITORING — EXCEPTION FOR LACK OF CAPACITY, REQUIREMENTS. — 1. If a resident has capacity to request electronic monitoring and has not been judicially declared to lack the required capacity, only the resident may request authorized electronic monitoring under sections 198.610 to 198.632, notwithstanding the terms of any durable power of attorney, general power of attorney, or similar instrument.

2. If a resident has been judicially declared to lack the capacity required for taking an action such as requesting electronic monitoring, only the guardian of the resident may request electronic monitoring under sections 198.610 to 198.632.

3. If a resident has been determined by a physician to lack capacity to request electronic monitoring but has not been judicially declared to lack the required capacity, only the legal representative of the resident may request electronic monitoring under sections 198.610 to 198.632.

198.620. REQUEST PROCEDURE — FORM, CONTENTS — CONSENT REQUIREMENTS — RECORDKEEPING REQUIREMENTS — ACCESS TO FOOTAGE, WHEN. — 1. A resident or the guardian or legal representative of a resident who wishes to conduct authorized electronic monitoring shall make the request to the facility on an electronic monitoring request form prescribed by the department and provided to the resident by the facility.

2. The form shall require the resident or the resident's guardian or legal representative to:
 - (1) Release the facility from any civil liability for a violation of the resident's privacy rights in connection with the use of the electronic monitoring device;
 - (2) Choose whether the camera will always be unobstructed or whether the camera should be obstructed in specified circumstances to protect the dignity of the resident, if the electronic monitoring device is a video surveillance camera; and
 - (3) Obtain the consent of other residents residing in the room, using a form prescribed for such purpose by the department.
3. Consent under subdivision (3) of subsection 2 of this section shall be given only:
 - (1) By the other resident or residents in the room;
 - (2) By the guardian of a person described under subdivision (1) of subsection 3 of this section, if the person has been judicially declared to lack the required capacity; or
 - (3) By the legal representative of a person described under subdivision (1) of subsection 3 of this section, if the person does not have capacity to sign the form but has not been judicially declared to lack the required capacity.
4. The form prescribed by the department under subdivision (3) of subsection 2 of this section shall require any other resident in the room to consent to release the facility from any civil liability for a violation of the resident's privacy rights in connection with the use of the electronic monitoring device.
5. Another resident in the room may:
 - (1) If the proposed electronic monitoring device is a video surveillance camera, condition his or her consent on the camera being pointed away from the consenting resident; and
 - (2) Condition his or her consent on the use of an audio electronic monitoring device being limited or prohibited.
6. If authorized electronic monitoring is being conducted in the room of a resident and another resident is moved into the room who has not yet consented to the electronic monitoring, authorized electronic monitoring shall cease until the new resident has consented in accordance with this section.
7. The department shall include other information that the department considers to be appropriate on either of the forms that the department is required to prescribe under this section.
8. The department shall adopt rules prescribing the place or places that a form signed under this section shall be maintained and the period for which it shall be maintained.
9. Authorized electronic monitoring:
 - (1) Shall not commence nor an electronic monitoring device installed until all request and consent forms required by this section have been completed and returned to the facility;
 - (2) Shall be conducted in accordance with any limitation placed on the monitoring as a condition of the consent given by or on behalf of another resident in the room; and
 - (3) Shall be installed and conducted only in a fixed position.
10. The facility shall be granted access to all footage made by an electronic monitoring device at the facility's expense.

198.622. FACILITY TO PERMIT MONITORING, REQUIREMENTS. — 1. A facility shall permit a resident or the resident's guardian or legal representative to monitor the room of the resident through the use of electronic monitoring devices.

2. The facility shall require a resident who conducts authorized electronic monitoring, or the resident's guardian or legal representative, to post and maintain a conspicuous notice at the entrance to the resident's room. The notice shall state that the room is being monitored by an electronic monitoring device.

3. Authorized electronic monitoring conducted under sections 198.610 to 198.632 shall not be compulsory and shall be conducted only at the request of the resident or the resident's guardian or legal representative.

4. A facility shall not refuse to admit an individual to residency in the facility and shall not remove a resident from the facility because of a request to conduct authorized electronic monitoring. A facility shall not remove a resident from the facility because unauthorized electronic monitoring is being conducted by or on behalf of a resident.

5. A facility shall make reasonable physical accommodation for authorized electronic monitoring, including:

(1) Providing a reasonably secure place to mount the video surveillance camera or other electronic monitoring device; and

(2) Providing access to power sources for the video surveillance camera or other electronic monitoring device.

6. The resident or the resident's guardian or legal representative shall pay for all costs associated with conducting electronic monitoring, except for the costs of electricity. The resident or the resident's guardian or legal representative shall be responsible for:

(1) All costs associated with installation of equipment incurred by the resident or the facility; and

(2) Maintaining the equipment.

7. A facility shall require an electronic monitoring device to be installed in a manner that is safe for residents, employees, or visitors who may be moving about the room. The department shall adopt rules regarding the safe placement of an electronic monitoring device.

8. If authorized electronic monitoring is conducted, the facility shall require the resident or the resident's guardian or legal representative to conduct the electronic monitoring in plain view.

9. A facility shall not be required to provide internet service or network access to any electronic monitoring device. Any internet service for an electronic monitoring device shall be the sole responsibility of the resident or the resident's guardian or legal representative.

10. A facility may move a resident to a comparable room to accommodate a request to conduct authorized electronic monitoring.

198.624. ABUSE OR NEGLECT OF RESIDENT, USE OF FOOTAGE, REPORTING REQUIREMENTS. — 1. If a resident who has capacity to determine that he or she has been abused or neglected and who is conducting electronic monitoring under sections 198.610 to 198.632 gives footage made by the electronic monitoring device to a person and directs the person to view or listen to the footage to determine whether abuse or neglect has occurred, the person to whom the resident gives the footage is considered to have viewed or listened to the footage on or before the seventh day after the date the person receives the footage for the purposes of reporting abuse or neglect.

2. A person is required to report abuse based on the person's viewing of, or listening to, footage only if the incident of abuse is acquired on the footage. A person is required to report neglect based on the person's viewing of, or listening to, footage only if it is clear from viewing or listening to the footage that neglect has occurred.

3. If abuse or neglect of the resident is reported to the facility, and the facility requests a copy of any relevant footage made by an electronic monitoring device, the person who possesses the footage shall provide the facility with a copy at the facility's expense.

198.626. ADMISSIBILITY OF FOOTAGE IN COURT OR ADMINISTRATIVE PROCEEDING, WHEN. — 1. Subject to applicable rules of evidence and procedure and the requirements of this section, footage created through the use of unauthorized or authorized electronic monitoring

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described by sections 198.610 to 198.632 may be admitted into evidence in a civil or criminal court action or administrative proceeding, provided that a proper foundation is offered to support its admission.

2. A court or administrative agency shall not admit into evidence footage created through the use of unauthorized or authorized electronic monitoring or take or authorize action based on the footage unless:

(1) If the footage is a videotape or recording, the footage shows the time and date that the events acquired on the footage occurred;

(2) The contents of the footage have not been edited or artificially enhanced; and

(3) If the contents of the footage have been transferred from the original format to another technological format, the transfer was done by a qualified professional and the contents of the footage were not altered.

3. A person who sends more than one specimen of footage to the department shall identify for the department each specimen on which the person believes that an incident of abuse or evidence of neglect may be found. The department may adopt rules encouraging persons who send footage to the department to identify the place on the footage that an incident of abuse or evidence of neglect may be found.

198.628. NOTICE OF ELECTRONIC MONITORING TO BE POSTED. — Each facility shall post a notice at the entrance to the facility stating that the rooms of some residents may be monitored electronically by, or on behalf of, the residents and that the monitoring is not necessarily open and obvious. The department by rule shall prescribe the format and the precise content of the notice.

198.630. SANCTIONS, WHEN — ADMINISTRATIVE PENALTY, WHEN. — 1. The department may impose appropriate sanctions under this chapter on an administrator of a facility who knowingly:

(1) Refuses to permit a resident or the resident's guardian or legal representative to conduct authorized electronic monitoring;

(2) Refuses to admit an individual to residency or allows the removal of a resident from the institution solely because of a request to conduct authorized electronic monitoring by a resident or a resident's guardian or legal representative;

(3) Allows the removal of a resident from the facility solely because unauthorized electronic monitoring is being conducted by or on behalf of the resident; or

(4) Violates another provision of sections 198.610 to 198.632.

2. The department may assess an administrative penalty against a facility that:

(1) Refuses to permit a resident or the resident's guardian or legal representative to conduct authorized electronic monitoring;

(2) Refuses to admit an individual to residency or allows the removal of a resident from the institution because of a request to conduct authorized electronic monitoring;

(3) Allows the removal of a resident from the facility solely because unauthorized electronic monitoring is being conducted by, or on behalf of, the resident; or

(4) Violates another provision of sections 198.610 to 198.632.

198.632. UNAUTHORIZED ACTS, ELECTRONIC MONITORING DEVICES AND DATA — PENALTIES — AFFIRMATIVE DEFENSE, WHEN. — 1. A person who intentionally hampers, obstructs, tampers with, or destroys an electronic monitoring device installed in a resident's room in accordance with sections 198.610 to 198.632 or who destroys or corrupts any data collected by the device is guilty of a class B misdemeanor.

2. Evidence that the person had the consent of the resident or the resident's guardian or legal representative to engage in the conduct described in subsection 1 of this section shall be an affirmative defense to any prosecution brought under the provisions of subsection 1 of this section.

3. A person other than a resident of the facility who, without authorization, places an electronic monitoring device in the room of a resident or who consents to or acquiesces in the unauthorized placement of the device in the room of a resident is guilty of a class B misdemeanor if the person continues the conduct after a written warning to cease and desist from that conduct.

Approved July 14, 2020

SS SCS HCS HB 1414

Enacts provisions relating to protection of children, with an existing penalty provision.

AN ACT to repeal sections 193.265, 208.151, 210.025, 210.109, 210.112, 210.135, 210.145, 210.150, 210.201, 210.211, 210.221, 210.252, 210.254, 210.566, 210.1080, 211.171, 431.056, and 453.121, RSMo, and to enact in lieu thereof twenty new sections relating to protection of children, with an existing penalty provision.

SECTION

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| A | Enacting clause. |
| 193.265 | Fees for certification and other services — distribution — services free, when. |
| 208.151 | Medical assistance, persons eligible — rulemaking authority — waivers — military members eligibility, temporary suspension, when. |
| 210.109 | Child protection system established by children's division, duties, records, investigations or assessments and services — central registry maintained. |
| 210.112 | Policy of state, system principles — evaluation tool — response and evaluation team, duties — children's services providers and agencies, contracting with, requirements, payments — rulemaking authority. |
| 210.123 | Temporary alternative placement agreements — definitions — purpose — requirements — rulemaking authority. |
| 210.135 | Immunity from liability, when — exception — preliminary evaluation required, when. |
| 210.145 | Telephone hotline for reports on child abuse — division duties, protocols, law enforcement contacted immediately, investigation conducted, when, exception — chief investigator named — family support team meetings, who may attend — reporter's right to receive information — admissibility of reports in custody cases. |
| 210.150 | Confidentiality of reports and records, exceptions — violations, penalty. |
| 210.201 | Definitions. |
| 210.211 | License required — exceptions — written notice of licensure status, when. |
| 210.221 | Licenses to be issued by department of health and senior services — duty to fix standards and make investigations — rule variance granted when, procedure — sanctioning of licenses, when — denial of application, when. |
| 210.252 | Fire, safety, health and sanitation inspections, procedure — variances to rules granted when — rules authorized. |
| 210.254 | Religious organization operating facilities exempt under licensing laws required to file parental notice of responsibility and fire, safety inspections annually. |
| 210.566 | Foster parents' bill of rights. |
| 210.1080 | Background checks required — definitions — procedure — ineligible for employment, when — exemption, when — emergency rules — inapplicability, when. |
| 211.135 | Appearance of child in court, when. |

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- 211.171 Hearing procedure — notification of current foster parents, preadoptive parents and relatives, when — public may be excluded, when — victim impact statement permitted, when.
- 431.056 Minor's ability to contract for certain purposes — conditions — immunity from liability, when.
- 453.121 Adoption records, disclosure procedure — registry of biological parents and adopted adults — disclosure of papers, records and information.
- 1 Comprehensive substance treatment and rehabilitation program — department of social services may seek IMD exclusion waiver.
- 210.025 Criminal background checks, persons receiving state or federal funds for child care, procedure — rulemaking authority — exemptions, contingent expiration date.

Be it enacted by the General Assembly of the state of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 193.265, 208.151, 210.025, 210.109, 210.112, 210.135, 210.145, 210.150, 210.201, 210.211, 210.221, 210.252, 210.254, 210.566, 210.1080, 211.171, 431.056, and 453.121, RSMo, are repealed and twenty new sections enacted in lieu thereof, to be known as sections 193.265, 208.151, 210.109, 210.112, 210.123, 210.135, 210.145, 210.150, 210.201, 210.211, 210.221, 210.252, 210.254, 210.566, 210.1080, 211.135, 211.171, 431.056, 453.121, and 1, to read as follows:

193.265. FEES FOR CERTIFICATION AND OTHER SERVICES — DISTRIBUTION — SERVICES FREE, WHEN. — 1. For the issuance of a certification or copy of a death record, the applicant shall pay a fee of thirteen dollars for the first certification or copy and a fee of ten dollars for each additional copy ordered at that time. For the issuance of a certification or copy of a birth, marriage, divorce, or fetal death record, the applicant shall pay a fee of fifteen dollars. No fee shall be required or collected for a certification of birth, death, or marriage if the request for certification is made by the children's division, the division of youth services, a guardian ad litem, or a juvenile officer on behalf of a child or person under twenty-one years of age who has come under the jurisdiction of the juvenile court under section 211.031. All fees shall be deposited to the state department of revenue. Beginning August 28, 2004, for each vital records fee collected, the director of revenue shall credit four dollars to the general revenue fund, five dollars to the children's trust fund, one dollar shall be credited to the endowed care cemetery audit fund, and three dollars for the first copy of death records and five dollars for birth, marriage, divorce, and fetal death records shall be credited to the Missouri public services health fund established in section 192.900. Money in the endowed care cemetery audit fund shall be available by appropriation to the division of professional registration to pay its expenses in administering sections 214.270 to 214.410. All interest earned on money deposited in the endowed care cemetery audit fund shall be credited to the endowed care cemetery fund. Notwithstanding the provisions of section 33.080 to the contrary, money placed in the endowed care cemetery audit fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds three times the amount of the appropriation from the endowed care cemetery audit fund for the preceding fiscal year. The money deposited in the public health services fund under this section shall be deposited in a separate account in the fund, and moneys in such account, upon appropriation, shall be used to automate and improve the state vital records system, and develop and maintain an electronic birth and death registration system. For any search of the files and records, when no record is found, the state shall be entitled to a fee equal to the amount for a certification of a vital record for a five-year search to be paid by the applicant. For the processing of each legitimation, adoption, court order or recording after the registrant's twelfth birthday, the state shall be entitled to a fee equal to the amount for a certification of a vital record. Except whenever a certified copy or copies of a vital record is required to perfect any claim of any person on relief, or any dependent of any person who was on relief for any claim upon the government of the state or United States, the state registrar shall, upon request, furnish a certified copy or so many certified copies as are necessary, without any fee or compensation therefor.

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2. For the issuance of a certification of a death record by the local registrar, the applicant shall pay a fee of thirteen dollars for the first certification or copy and a fee of ten dollars for each additional copy ordered at that time. For the issuance of a certification or copy of a birth, marriage, divorce, or fetal death record, the applicant shall pay a fee of fifteen dollars; except that, in any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, a donation of one dollar may be collected by the local registrar over and above any fees required by law when a certification or copy of any marriage license or birth certificate is provided, with such donations collected to be forwarded monthly by the local registrar to the county treasurer of such county and the donations so forwarded to be deposited by the county treasurer into the housing resource commission fund to assist homeless families and provide financial assistance to organizations addressing homelessness in such county. The local registrar shall include a check-off box on the application form for such copies. All fees, other than the donations collected in any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants for marriage licenses and birth certificates, shall be deposited to the official city or county health agency. A certified copy of a death record by the local registrar can only be issued within twenty-four hours of receipt of the record by the local registrar. Computer-generated certifications of death records may be issued by the local registrar after twenty-four hours of receipt of the records. The fees paid to the official county health agency shall be retained by the local agency for local public health purposes.

3. No fee under this section shall be required or collected from a parent or guardian of a homeless child or homeless youth, as defined in subsection 1 of section 167.020, or an unaccompanied youth, as defined in 42 U.S.C. Section 11434a(6), for the issuance of a certification, or copy of such certification, of birth of such child or youth. An unaccompanied youth shall be eligible to receive a certification or copy of his or her own birth record without the consent or signature of his or her parent or guardian; provided, that only one certificate under this provision shall be provided without cost to the unaccompanied or homeless youth. For the issuance of any additional certificates, the statutory fee shall be paid.

208.151. MEDICAL ASSISTANCE, PERSONS ELIGIBLE — RULEMAKING AUTHORITY — WAIVERS — MILITARY MEMBERS ELIGIBILITY, TEMPORARY SUSPENSION, WHEN. — 1. Medical assistance on behalf of needy persons shall be known as "MO HealthNet". For the purpose of paying MO HealthNet benefits and to comply with Title XIX, Public Law 89-97, 1965 amendments to the federal Social Security Act (42 U.S.C. Section 301, et seq.) as amended, the following needy persons shall be eligible to receive MO HealthNet benefits to the extent and in the manner hereinafter provided:

- (1) All participants receiving state supplemental payments for the aged, blind and disabled;
- (2) All participants receiving aid to families with dependent children benefits, including all persons under nineteen years of age who would be classified as dependent children except for the requirements of subdivision (1) of subsection 1 of section 208.040. Participants eligible under this subdivision who are participating in treatment court, as defined in section 478.001, shall have their eligibility automatically extended sixty days from the time their dependent child is removed from the custody of the participant, subject to approval of the Centers for Medicare and Medicaid Services;
- (3) All participants receiving blind pension benefits;
- (4) All persons who would be determined to be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits under the eligibility standards in effect December 31, 1973, or less restrictive standards as established by rule of the family support division, who are sixty-five years of age or over and are patients in state institutions for mental diseases or tuberculosis;
- (5) All persons under the age of twenty-one years who would be eligible for aid to families with dependent children except for the requirements of subdivision (2) of subsection 1 of section 208.040,

and who are residing in an intermediate care facility, or receiving active treatment as inpatients in psychiatric facilities or programs, as defined in 42 U.S.C. Section 1396d, as amended;

(6) All persons under the age of twenty-one years who would be eligible for aid to families with dependent children benefits except for the requirement of deprivation of parental support as provided for in subdivision (2) of subsection 1 of section 208.040;

(7) All persons eligible to receive nursing care benefits;

(8) All participants receiving family foster home or nonprofit private child-care institution care, subsidized adoption benefits and parental school care wherein state funds are used as partial or full payment for such care;

(9) All persons who were participants receiving old age assistance benefits, aid to the permanently and totally disabled, or aid to the blind benefits on December 31, 1973, and who continue to meet the eligibility requirements, except income, for these assistance categories, but who are no longer receiving such benefits because of the implementation of Title XVI of the federal Social Security Act, as amended;

(10) Pregnant women who meet the requirements for aid to families with dependent children, except for the existence of a dependent child in the home;

(11) Pregnant women who meet the requirements for aid to families with dependent children, except for the existence of a dependent child who is deprived of parental support as provided for in subdivision (2) of subsection 1 of section 208.040;

(12) Pregnant women or infants under one year of age, or both, whose family income does not exceed an income eligibility standard equal to one hundred eighty-five percent of the federal poverty level as established and amended by the federal Department of Health and Human Services, or its successor agency;

(13) Children who have attained one year of age but have not attained six years of age who are eligible for medical assistance under 6401 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989). The family support division shall use an income eligibility standard equal to one hundred thirty-three percent of the federal poverty level established by the Department of Health and Human Services, or its successor agency;

(14) Children who have attained six years of age but have not attained nineteen years of age. For children who have attained six years of age but have not attained nineteen years of age, the family support division shall use an income assessment methodology which provides for eligibility when family income is equal to or less than equal to one hundred percent of the federal poverty level established by the Department of Health and Human Services, or its successor agency. As necessary to provide MO HealthNet coverage under this subdivision, the department of social services may revise the state MO HealthNet plan to extend coverage under 42 U.S.C. Section 1396a(a)(10)(A)(i)(III) to children who have attained six years of age but have not attained nineteen years of age as permitted by paragraph (2) of subsection (n) of 42 U.S.C. Section 1396d using a more liberal income assessment methodology as authorized by paragraph (2) of subsection (r) of 42 U.S.C. Section 1396a;

(15) The family support division shall not establish a resource eligibility standard in assessing eligibility for persons under subdivision (12), (13) or (14) of this subsection. The MO HealthNet division shall define the amount and scope of benefits which are available to individuals eligible under each of the subdivisions (12), (13), and (14) of this subsection, in accordance with the requirements of federal law and regulations promulgated thereunder;

(16) Notwithstanding any other provisions of law to the contrary, ambulatory prenatal care shall be made available to pregnant women during a period of presumptive eligibility pursuant to 42 U.S.C. Section 1396r-1, as amended;

(17) A child born to a woman eligible for and receiving MO HealthNet benefits under this section on the date of the child's birth shall be deemed to have applied for MO HealthNet benefits and to have been found eligible for such assistance under such plan on the date of such birth and to remain eligible for such assistance for a period of time determined in accordance with applicable federal and state law

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and regulations so long as the child is a member of the woman's household and either the woman remains eligible for such assistance or for children born on or after January 1, 1991, the woman would remain eligible for such assistance if she were still pregnant. Upon notification of such child's birth, the family support division shall assign a MO HealthNet eligibility identification number to the child so that claims may be submitted and paid under such child's identification number;

(18) Pregnant women and children eligible for MO HealthNet benefits pursuant to subdivision (12), (13) or (14) of this subsection shall not as a condition of eligibility for MO HealthNet benefits be required to apply for aid to families with dependent children. The family support division shall utilize an application for eligibility for such persons which eliminates information requirements other than those necessary to apply for MO HealthNet benefits. The division shall provide such application forms to applicants whose preliminary income information indicates that they are ineligible for aid to families with dependent children. Applicants for MO HealthNet benefits under subdivision (12), (13) or (14) of this subsection shall be informed of the aid to families with dependent children program and that they are entitled to apply for such benefits. Any forms utilized by the family support division for assessing eligibility under this chapter shall be as simple as practicable;

(19) Subject to appropriations necessary to recruit and train such staff, the family support division shall provide one or more full-time, permanent eligibility specialists to process applications for MO HealthNet benefits at the site of a health care provider, if the health care provider requests the placement of such eligibility specialists and reimburses the division for the expenses including but not limited to salaries, benefits, travel, training, telephone, supplies, and equipment of such eligibility specialists. The division may provide a health care provider with a part-time or temporary eligibility specialist at the site of a health care provider if the health care provider requests the placement of such an eligibility specialist and reimburses the division for the expenses, including but not limited to the salary, benefits, travel, training, telephone, supplies, and equipment, of such an eligibility specialist. The division may seek to employ such eligibility specialists who are otherwise qualified for such positions and who are current or former welfare participants. The division may consider training such current or former welfare participants as eligibility specialists for this program;

(20) Pregnant women who are eligible for, have applied for and have received MO HealthNet benefits under subdivision (2), (10), (11) or (12) of this subsection shall continue to be considered eligible for all pregnancy-related and postpartum MO HealthNet benefits provided under section 208.152 until the end of the sixty-day period beginning on the last day of their pregnancy. Pregnant women receiving substance abuse treatment within sixty days of giving birth shall, subject to appropriations and any necessary federal approval, be eligible for MO HealthNet benefits for substance abuse treatment and mental health services for the treatment of substance abuse for no more than twelve additional months, as long as the woman remains adherent with treatment. The department of mental health and the department of social services shall seek any necessary waivers or state plan amendments from the Centers for Medicare and Medicaid Services and shall develop rules relating to treatment plan adherence. No later than fifteen months after receiving any necessary waiver, the department of mental health and the department of social services shall report to the house of representatives budget committee and the senate appropriations committee on the compliance with federal cost neutrality requirements;

(21) Case management services for pregnant women and young children at risk shall be a covered service. To the greatest extent possible, and in compliance with federal law and regulations, the department of health and senior services shall provide case management services to pregnant women by contract or agreement with the department of social services through local health departments organized under the provisions of chapter 192 or chapter 205 or a city health department operated under a city charter or a combined city-county health department or other department of health and senior services designees. To the greatest extent possible the department of social services and the department of health and senior services shall mutually coordinate all services for pregnant women and children

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with the crippled children's program, the prevention of intellectual disability and developmental disability program and the prenatal care program administered by the department of health and senior services. The department of social services shall by regulation establish the methodology for reimbursement for case management services provided by the department of health and senior services. For purposes of this section, the term "case management" shall mean those activities of local public health personnel to identify prospective MO HealthNet-eligible high-risk mothers and enroll them in the state's MO HealthNet program, refer them to local physicians or local health departments who provide prenatal care under physician protocol and who participate in the MO HealthNet program for prenatal care and to ensure that said high-risk mothers receive support from all private and public programs for which they are eligible and shall not include involvement in any MO HealthNet prepaid, case-managed programs;

(22) By January 1, 1988, the department of social services and the department of health and senior services shall study all significant aspects of presumptive eligibility for pregnant women and submit a joint report on the subject, including projected costs and the time needed for implementation, to the general assembly. The department of social services, at the direction of the general assembly, may implement presumptive eligibility by regulation promulgated pursuant to chapter 207;

(23) All participants who would be eligible for aid to families with dependent children benefits except for the requirements of paragraph (d) of subdivision (1) of section 208.150;

(24) (a) All persons who would be determined to be eligible for old age assistance benefits under the eligibility standards in effect December 31, 1973, as authorized by 42 U.S.C. Section 1396a(f), or less restrictive methodologies as contained in the MO HealthNet state plan as of January 1, 2005; except that, on or after July 1, 2005, less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), may be used to change the income limit if authorized by annual appropriation;

(b) All persons who would be determined to be eligible for aid to the blind benefits under the eligibility standards in effect December 31, 1973, as authorized by 42 U.S.C. Section 1396a(f), or less restrictive methodologies as contained in the MO HealthNet state plan as of January 1, 2005, except that less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), shall be used to raise the income limit to one hundred percent of the federal poverty level;

(c) All persons who would be determined to be eligible for permanent and total disability benefits under the eligibility standards in effect December 31, 1973, as authorized by 42 U.S.C. Section 1396a(f); or less restrictive methodologies as contained in the MO HealthNet state plan as of January 1, 2005; except that, on or after July 1, 2005, less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), may be used to change the income limit if authorized by annual appropriations. Eligibility standards for permanent and total disability benefits shall not be limited by age;

(25) Persons who have been diagnosed with breast or cervical cancer and who are eligible for coverage pursuant to 42 U.S.C. Section 1396a(a)(10)(A)(ii)(XVIII). Such persons shall be eligible during a period of presumptive eligibility in accordance with 42 U.S.C. Section 1396r-1;

(26) Persons who are in foster care under the responsibility of the state of Missouri on the date such persons attained the age of eighteen years, or at any time during the thirty-day period preceding their eighteenth birthday, or persons who received foster care for at least six months in another state, are residing in Missouri, and are at least eighteen years of age, without regard to income or assets, if such persons:

- (a) Are under twenty-six years of age;
- (b) Are not eligible for coverage under another mandatory coverage group; and
- (c) Were covered by Medicaid while they were in foster care;

(27) **Any homeless child or homeless youth, as those terms are defined in section 167.020, subject to approval of a state plan amendment by the Centers for Medicare and Medicaid Services.**

2. Rules and regulations to implement this section shall be promulgated in accordance with chapter 536. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.

3. After December 31, 1973, and before April 1, 1990, any family eligible for assistance pursuant to 42 U.S.C. Section 601, et seq., as amended, in at least three of the last six months immediately preceding the month in which such family became ineligible for such assistance because of increased income from employment shall, while a member of such family is employed, remain eligible for MO HealthNet benefits for four calendar months following the month in which such family would otherwise be determined to be ineligible for such assistance because of income and resource limitation. After April 1, 1990, any family receiving aid pursuant to 42 U.S.C. Section 601, et seq., as amended, in at least three of the six months immediately preceding the month in which such family becomes ineligible for such aid, because of hours of employment or income from employment of the caretaker relative, shall remain eligible for MO HealthNet benefits for six calendar months following the month of such ineligibility as long as such family includes a child as provided in 42 U.S.C. Section 1396r-6. Each family which has received such medical assistance during the entire six-month period described in this section and which meets reporting requirements and income tests established by the division and continues to include a child as provided in 42 U.S.C. Section 1396r-6 shall receive MO HealthNet benefits without fee for an additional six months. The MO HealthNet division may provide by rule and as authorized by annual appropriation the scope of MO HealthNet coverage to be granted to such families.

4. When any individual has been determined to be eligible for MO HealthNet benefits, such medical assistance will be made available to him or her for care and services furnished in or after the third month before the month in which he made application for such assistance if such individual was, or upon application would have been, eligible for such assistance at the time such care and services were furnished; provided, further, that such medical expenses remain unpaid.

5. The department of social services may apply to the federal Department of Health and Human Services for a MO HealthNet waiver amendment to the Section 1115 demonstration waiver or for any additional MO HealthNet waivers necessary not to exceed one million dollars in additional costs to the state, unless subject to appropriation or directed by statute, but in no event shall such waiver applications or amendments seek to waive the services of a rural health clinic or a federally qualified health center as defined in 42 U.S.C. Section 1396d(l)(1) and (2) or the payment requirements for such clinics and centers as provided in 42 U.S.C. Section 1396a(a)(15) and 1396a(bb) unless such waiver application is approved by the oversight committee created in section 208.955. A request for such a waiver so submitted shall only become effective by executive order not sooner than ninety days after the final adjournment of the session of the general assembly to which it is submitted, unless it is disapproved within sixty days of its submission to a regular session by a senate or house resolution adopted by a majority vote of the respective elected members thereof, unless the request for such a waiver is made subject to appropriation or directed by statute.

6. Notwithstanding any other provision of law to the contrary, in any given fiscal year, any persons made eligible for MO HealthNet benefits under subdivisions (1) to (22) of subsection 1 of this section shall only be eligible if annual appropriations are made for such eligibility. This subsection shall not apply to classes of individuals listed in 42 U.S.C. Section ~~1396a(a)(10)(A)(i)~~ **1396a(a)(10)(A)(i)**.

210.109. CHILD PROTECTION SYSTEM ESTABLISHED BY CHILDREN'S DIVISION, DUTIES, RECORDS, INVESTIGATIONS OR ASSESSMENTS AND SERVICES — CENTRAL REGISTRY MAINTAINED. — 1. The children's division shall establish a child protection system for the entire state.

2. The child protection system shall promote the safety of children and the integrity and preservation of their families by conducting investigations or family assessments and providing services in response to reports of child abuse or neglect. The system shall coordinate community resources and provide assistance or services to children and families identified to be at risk, and to prevent and remedy child abuse and neglect.

3. In addition to any duties specified in section 210.145, in implementing the child protection system, the division shall:

(1) Maintain a central registry;

(2) Receive reports and establish and maintain an information system operating at all times, capable of receiving and maintaining reports;

(3) Attempt to obtain the name and address of any person making a report in all cases, after obtaining relevant information regarding the alleged abuse or neglect, although reports may be made anonymously; except that, reports by mandatory reporters under section 210.115, including employees of the children's division, juvenile officers, and school personnel shall not be made anonymously, provided that the reporter shall be informed, at the time of the report, that the reporter's name and any other personally identifiable information shall be held as confidential and shall not be made public as provided under this section and section 211.319;

(4) Upon receipt of a report, check with the information system to determine whether previous reports have been made regarding actual or suspected abuse or neglect of the subject child, of any siblings, and the perpetrator, and relevant dispositional information regarding such previous reports;

(5) Provide protective or preventive services to the family and child and to others in the home to prevent abuse or neglect, to safeguard their health and welfare, and to help preserve and stabilize the family whenever possible. The juvenile court shall cooperate with the division in providing such services;

(6) Collaborate with the community to identify comprehensive local services and assure access to those services for children and families where there is risk of abuse or neglect;

(7) Maintain a record which contains the facts ascertained which support the determination as well as the facts that do not support the determination;

(8) Whenever available and appropriate, contract for the provision of children's services through children's services providers and agencies in the community; except that the state shall be the sole provider of child abuse and neglect hotline services, the initial child abuse and neglect investigation, and the initial family assessment. The division shall attempt to seek input from child welfare service providers in completing the initial family assessment. In all legal proceedings involving children in the custody of the division, the division shall be represented in court by either division personnel or persons with whom the division contracts with for such legal representation. All children's services providers and agencies shall be subject to criminal background checks pursuant to chapter 43 and shall submit names of all employees to the family care safety registry; and

(9) Upon receipt of a report, attempt to ascertain whether the suspected perpetrator or any person responsible for the care, custody, and control of the subject child is a member of the Armed Forces, as defined in section 41.030.

As used in this subsection, "report" includes any telephone call made pursuant to section 210.145.

210.112. POLICY OF STATE, SYSTEM PRINCIPLES — EVALUATION TOOL — RESPONSE AND EVALUATION TEAM, DUTIES — CHILDREN'S SERVICES PROVIDERS AND AGENCIES, CONTRACTING WITH, REQUIREMENTS, PAYMENTS — RULEMAKING AUTHORITY. — 1. It is the

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policy of this state and its agencies to implement a foster care and child protection and welfare system focused on providing the highest quality of services and outcomes for children and their families. The department of social services shall implement such system subject to the following principles:

- (1) The safety and welfare of children is paramount;
- (2) **All** providers of direct services to children and their families will be evaluated in a uniform, **transparent, objective**, and consistent basis **based on an evaluation tool established in this section**;
- (3) Services to children and their families shall be provided in a timely manner to maximize the opportunity for successful outcomes, **and such services shall be tracked and routinely evaluated through a quality assurance program; [and]**
- (4) Any provider of direct services to children and families shall have the appropriate and relevant training, education, and expertise to provide the highest quality of services possible which shall be consistent with ~~[the] federal and state standards[, but not less than the standards and policies used by the children's division as of January 1, 2004]~~ ;
- (5) **Resources and efforts shall be committed to pursue the best possible opportunity for a successful outcome for each child. Successful outcomes may include preparing youth for a productive and successful life as an adult outside the foster care system, such as independent living. For those providers that work with children requiring intensive twenty-four-hour treatment services, successful outcomes shall be based on the least restrictive alternative possible based on the child's needs as well as the quality of care received; and**
- (6) All service providers shall prioritize methods of reducing or eliminating a child's need for residential treatment through community-based services and supports.

2. (1) In conjunction with the response and evaluation team established under subsection 3 of this section, as well as other individuals the division deems appropriate, the division shall establish an evaluation tool that complies with state and federal guidelines.

(2) The evaluation tool shall include metrics supporting best practices for case management and service provision including, but not limited to, the frequency of face-to-face visits with the child.

(3) There shall be a mechanism whereby providers may propose different evaluation metrics on a case-by-case basis if such case may have circumstances far beyond those that would be expected. Such cases shall be evaluated by the response and evaluation team under subsection 3 of this section.

(4) Data regarding all evaluation metrics shall be collected by the division on a monthly basis, and the division shall issue a quarterly report regarding the evaluation data for each provider, both public and private, by county. The response and evaluation team shall determine how to aggregate cases for the division and large contractors so that performance and outcomes may be compared effectively while also protecting confidentiality. Such reports shall be made public and shall include information by county.

(5) The standards and metrics developed through this evaluation tool shall be used to evaluate competitive bids for future contracts established under subsection 4 of this section.

3. The division shall create a response and evaluation team. Membership of the team shall be composed of five staff members from the division with experience in foster care appointed by the director of the division; five representatives, one from each contract region for foster care case management contracts under this section, who shall be annually rotated among contractors in each region, which shall appoint the agency; two experts working in either research or higher education on issues relating to child welfare and foster care appointed by the director of the division and who shall be actively working for either an academic institution or policy foundation; one juvenile officer or a Missouri juvenile justice director to be appointed by the Missouri juvenile justice association; and one juvenile or family court judge appointed by the supreme court. The

division shall provide the necessary staffing for the team's operations. All members shall be appointed, and the team shall meet for the first time before January 1, 2021. The team shall:

(1) Review the evaluation tool and metrics set forth in subsection 2 of this section on a semiannual basis to determine any adjustments needed or issues that could affect the quality of such tools and approve or deny on a case-by-case basis:

(a) Cases that a provider feels are anomalous and should not be part of developing the case management tool under subsection 2 of this section;

(b) Alternative evaluation metrics recommended by providers based on the best interests of the child under subsections 2 and 5 of this section; or

(c) Review and recommend any structure for incentives or other reimbursement strategies under subsection 6 of this section;

(2) Develop and execute periodic provider evaluations of cases managed by the division and children service providers contracted with the state to provide foster care case management services, in the field under the evaluation tool created under subsection 2 of this section to ensure basic requirements of the program are met, which shall include, but are not limited to, random file review to ensure documentation shows required visits and case management plan notes; and

(3) Develop a system for reviewing and working with providers identified under subdivision (2) of this subsection or providers who request such assistance from the division, who show signs of performance weakness to ensure technical assistance and other services are offered to assist the providers in achieving successful outcomes for their cases.

4. ~~[On or before July 1, 2005, and subject to appropriations,]~~ The children's division and any other state agency deemed necessary by the division shall, in consultation with ~~[the community and]~~ service providers ~~[of services]~~ **and other relevant parties**, enter into and implement contracts with qualified children's services providers and agencies to provide a comprehensive and deliberate system of service delivery for children and their families. Contracts shall be awarded through a competitive process and provided by ~~[children's services providers and agencies currently contracting with the state to provide such services and by]~~ **qualified** public and private not-for-profit or limited liability corporations owned exclusively by not-for-profit corporations children's services providers and agencies which have:

(1) A proven record of providing child welfare services within the state of Missouri which shall be consistent with the federal standards, but not less than the standards and policies used by the children's division as of January 1, 2004; and

(2) The ability to provide a range of child welfare services~~[, which may include]~~ **including, but not limited to**, case management services, family-centered services, foster and adoptive parent recruitment and retention, residential care, in-home services, foster care services, adoption services, relative care case management, planned permanent living services, and family reunification services.

No contracts **under this section** shall be issued for services related to the child abuse and neglect hotline, investigations of alleged abuse and neglect, and initial family assessments. Any contracts entered into by the division shall be in accordance with all federal laws and regulations, and shall ~~[not result in the loss of]~~ **seek to maximize** federal funding. ~~[Such]~~ Children's services providers and agencies under contract with the division shall be subject to all federal, state, and local laws and regulations relating to the provision of such services, and shall be subject to oversight and inspection by appropriate state agencies to assure compliance with standards which shall be consistent with the federal standards~~[, but not less than the standards and policies used by the children's division as of January 1, 2004.~~

3. ~~In entering into and implementing contracts under subsection 2 of this section, the division shall consider and direct their efforts towards geographic areas of the state, including Greene County, where eligible direct children's services providers and agencies are currently available and capable of providing a broad range of services, including case management services, family centered services, foster and adoptive parent recruitment and retention, residential care, family preservation services, foster care~~

services, adoption services, relative care case management, other planned living arrangements, and family reunification services consistent with federal guidelines. Nothing in this subsection shall prohibit the division from contracting on an as needed basis for any individual child welfare service listed above.

4. The contracts entered into under this section shall assure that:

(1) Child welfare services shall be delivered to a child and the child's family by professionals who have substantial and relevant training, education, or competencies otherwise demonstrated in the area of children and family services;

(2) Children's services providers and agencies shall be evaluated by the division based on objective, consistent, and performance based criteria;

(3) Any case management services provided shall be subject to a case management plan established under subsection 5 of this section which is consistent with all relevant federal guidelines. The case management plan shall focus on attaining permanency in children's living conditions to the greatest extent possible and shall include concurrent planning and independent living where appropriate in accordance with the best interests of each child served and considering relevant factors applicable to each individual case as provided by law, including:

(a) The interaction and interrelationship of a child with the child's foster parents, biological or adoptive parents, siblings, and any other person who may significantly affect the child's best interests;

(b) A child's adjustment to his or her foster home, school, and community;

(c) The mental and physical health of all individuals involved, including any history of abuse of or by any individuals involved;

(d) The needs of the child for a continuing relationship with the child's biological or adoptive parents and the ability and willingness of the child's biological or adoptive parents to actively perform their functions as parents with regard to the needs of the child; and

(e) For any child, treatment services may be available as defined in section 210.110. Assessments, as defined in section 210.110, may occur to determine which treatment services best meet the child's psychological and social needs. When the assessment indicates that a child's needs can be best resolved by intensive twenty four hour treatment services, the division will locate, contract, and place the child with the appropriate organizations. This placement will be viewed as the least restrictive for the child based on the assessment;

(4) The delivery system shall have sufficient flexibility to take into account children and families on a case by case basis;

(5) The delivery system shall provide a mechanism for the assessment of strategies to work with children and families immediately upon entry into the system to maximize permanency and successful outcome in the shortest time possible and shall include concurrent planning. Outcome measures for private and public agencies shall be equal for each program; and

(6) Payment to the children's services providers and agencies shall be made based on the reasonable costs of services, including responsibilities necessary to execute the contract. Contracts shall provide incentives in addition to the costs of services provided in recognition of accomplishment of the case goals and the corresponding cost savings to the state. The division shall promulgate rules to implement the provisions of this subdivision.

5. Contracts entered into under this section shall require that a case management plan consistent with all relevant federal guidelines shall be developed for each child at the earliest time after the initial investigation, but in no event longer than thirty days after the initial investigation or referral to the contractor by the division. Such case management plan shall be presented to the court and be the foundation of service delivery to the child and family. The case management plan shall, at a minimum, include:

(1) An outcome target based on the child and family situation achieving permanency or independent living, where appropriate;

(2) Services authorized and necessary to facilitate the outcome target;

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- ~~(3) Time frames in which services will be delivered; and~~
- ~~(4) Necessary evaluations and reporting.~~

In addition to any visits and assessments required under case management, services to be provided by a public or private children's services provider under the specific case management plan may include family-centered services, foster and adoptive parent recruitment and retention, residential care, in-home services, foster care services, adoption services, relative care case services, planned permanent living services, and family reunification services. In all cases, an appropriate level of services shall be provided to the child and family after permanency is achieved to assure a continued successful outcome.

6. By December 1, 2018, the division shall convene a task force to review the recruitment, licensing and retention of foster and adoptive parents statewide. In addition to representatives of the division and department, the task force shall include representatives of the private sector and faith-based community which provide recruitment and licensure services. The purpose of the task force shall and will be to study the extent to which changes in the system of recruiting, licensing, and retaining foster and adoptive parents would enhance the effectiveness of the system statewide. The task force shall develop a report of its findings with recommendations by December 1, 2019, and provide copies of the report to the general assembly, to the joint committee on child abuse and neglect under section 21.771, and to the governor.

7. On or before July 15, 2006, and each July fifteenth thereafter that the project is in operation, the division shall submit a report to the general assembly which shall include:

- ~~(1) Details about the specifics of the contracts, including the number of children and families served, the cost to the state for contracting such services, the current status of the children and families served, an assessment of the quality of services provided and outcomes achieved, and an overall evaluation of the project; and~~
- ~~(2) Any recommendations regarding the continuation or possible statewide implementation of such project; and~~
- ~~(3) Any information or recommendations directly related to the provision of direct services for children and their families that any of the contracting children's services providers "and agencies request to have included in the report].~~

[8:] 5. The division shall accept as prima facie evidence of completion of the requirements for licensure under sections 210.481 to 210.511 proof that an agency is accredited by any of the following nationally recognized bodies: the Council on Accreditation of Services, Children and Families, Inc.; the Joint Commission on Accreditation of Hospitals; or the Commission on Accreditation of Rehabilitation Facilities. [The division shall not require any further evidence of qualification for licensure if such proof of voluntary accreditation is submitted.]

6. Payment to the children's services providers and agencies shall be made based on the reasonable costs of services, including responsibilities necessary to execute the contract. Any reimbursement increases made through enhanced appropriations for services shall be allocated to providers regardless of whether the provider is public or private. Such increases shall be considered additive to the existing contracts. In addition to payments reflecting the cost of services, contracts shall include incentives provided in recognition of performance based on the evaluation tool created under subsection 2 of this section and the corresponding savings for the state. The response and evaluation team under subsection 3 of this section shall review a formula to distribute such payments, as recommended by the division.

7. The division shall consider immediate actions that are in the best interests of the children served including, but not limited to, placing the agency on a corrective plan, halting new referrals, transferring cases to other performing providers, or terminating the provider's contract. The division shall take steps necessary to evaluate the nature of the issue and act accordingly in the most timely fashion possible.

[9.] **8.** By ~~[February 1, 2005]~~ **July 1, 2021**, the children's division shall promulgate and have in effect rules to implement the provisions of this section and, pursuant to this section, shall define implementation plans and dates. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

210.123. TEMPORARY ALTERNATIVE PLACEMENT AGREEMENTS — DEFINITIONS — PURPOSE — REQUIREMENTS — RULEMAKING AUTHORITY. — 1. As used in this section, the following terms and phrases mean:

- (1) "Relative", as that term is defined in section 210.565. Such relative shall be an adult;
 - (2) "Temporary alternative placement agreement", a voluntary agreement between the division, a relative of the child, and the parent or guardian of the child to provide a temporary, out of home placement for a child if the parent or guardian is temporarily unable to provide care or support for the child and the child is not in imminent danger of death or serious bodily injury, or being sexually abused such that the division determines that a referral to the juvenile office with a recommendation to file a petition or to remove the child is not appropriate. The agreement shall be reduced to writing within three business days. The written agreement shall be signed by the parent or guardian, the relative, and the authorized representative of the division. A temporary alternative placement agreement shall be valid for no more than ninety days. If the agreement shall be extended beyond ninety days, then, before the expiration of the ninety-day period, the division shall send a referral to the juvenile officer to make a determination whether to file a petition, to set the matter for a preliminary child welfare hearing, or to take other appropriate action as the juvenile officer deems necessary. The temporary alternative placement agreement shall include:
 - (a) A plan for return of the child to the child's parent or legal guardian within the time specified under the agreement, or diligent implementation of an alternative, legal arrangement for the safe care, custody, and control of the child including, but not limited to, execution of a power of attorney under section 475.602, an affidavit for relative caretaker under section 431.058, legal guardianship, the entry of an order of child protection, or entry of temporary or permanent legal custody arrangements by a court of competent jurisdiction;
 - (b) A requirement that the parties cooperate with the division and participate in all services offered by the division;
 - (c) A notice to all parties that the division will notify the juvenile officer that a temporary alternative placement agreement has been implemented, that a copy of the agreement will be provided to the juvenile officer, that the temporary alternative placement agreement is not binding on the juvenile officer, and the division retains the authority to refer the case to the juvenile officer with a recommendation for further action at any time;
 - (d) Identifying the behaviorally specific changes that the parent or guardian of the child shall make to ensure that the child's safety and welfare can be assured before the child is returned to the home;
 - (e) Identifying the services that the division shall offer the parents and the child to address the reasons the child is being placed out of the home;
 - (f) Requiring that the child reside in the state of Missouri for the duration of the agreement;
- and

(g) That the agreement is voluntary and that the parent or guardian may withdraw from the agreement upon five days' written notice.

2. As provided in this section, the division may enter into a temporary alternative placement agreement with parents and legal guardians of a minor child who cannot safely remain in the child's home on a temporary basis. The purpose of such agreement is to mitigate trauma to the child and to enable the division to make reasonable efforts to assure the safety of a child in a placement familiar to the child, and to give the child and the child's family an opportunity to develop and implement a plan to assure the stability and well-being of the child in the short term. The child shall reside in the state of Missouri for the duration of the temporary alternative placement agreement unless the child requires medical treatment in another state that is not reasonably available within the state of Missouri.

3. (1) The division shall conduct a walk-through of the relative's home where the child will be staying and conduct a background check of the relative and any adult household member before determining whether the relative is suitable.

(2) The background check shall include a check of the central registry, the sexual offender registry, the department of social services's family care safety registry, any state courts automated case management system, and the records of the division to determine if circumstances exist that indicate the child shall not be safe if placed in the home. The division may, in its discretion, follow up with a fingerprint-based criminal background check.

(3) The suitable relative shall be a resident of the state of Missouri and shall remain a resident of the state of Missouri for the duration of the agreement.

4. (1) The division may only enter into a temporary alternative placement agreement if:

(a) The child cannot remain safely in the home of the child's parent or legal guardian;

(b) It is not apparent that the child is otherwise in imminent danger of death, serious physical injury, or being sexually abused such that an immediate referral to the juvenile officer with a recommendation to remove the child and initiate juvenile court proceedings is appropriate;

(c) There is a relative who is ready, willing, and able to provide safe care for the child on a temporary basis;

(d) The division has reasonably available services for the child and family to support and supervise the implementation of the agreement;

(e) The child's parent or legal guardian voluntarily enters into the agreement; and

(f) The child's parent or legal guardian executes all necessary documents and consents to implement the agreement.

(2) The fact that the parent or legal guardian has been advised that the division or juvenile officer may take additional action within his or her authority under law shall not constitute a basis for claiming that the parent or legal guardian's agreement is not voluntary or was coerced.

(3) The parent or guardian shall give at least five days' written notice of intent to terminate the agreement to the division and the relative placement provider. The agreement shall remain in effect until the termination of the agreement is effective.

5. (1) The relative shall have the authority to make the day-to-day decisions for the care of the child during the agreement, as provided in the agreement, and shall further have the authority to make educational and medical decisions for the child as provided in this section.

(2) The relative shall consult with the child's parents, legal guardian, and the division before making decisions pertaining to the child other than routine, day-to-day decisions necessary to care for the child.

(3) The division shall provide a notice to the relative on a form promulgated by the division for use in notifying schools, medical care providers, and others that the suitable relative or adult has the temporary authority to make these decisions. Individuals and institutions, including

schools and medical care providers, acting upon the authority of such notice shall be immune from liability for acting upon the authority as set forth in the letter.

6. (1) The division shall closely monitor, track, and document the implementation of the provisions of the temporary alternative placement agreement for the duration of the agreement.

(2) The division shall have personal contact with the child as may be appropriate to ensure that the temporary alternative placement agreement is being safely implemented, but in no event less than two times each month. At least one personal contact with the child shall be in the child's alternative placement.

(3) The division shall schedule a team decision making meeting within ten days of the execution of a temporary alternative placement agreement and at least once every month thereafter for the duration of the agreement.

(4) Within ten days of the execution of a temporary alternative placement agreement, the division shall open a family centered services case and keep the case open for the duration of the agreement.

(5) No later than ten days before the termination of the temporary alternative placement agreement, the division shall submit a written report to the juvenile office. The division shall provide a copy of the report to the placement provider and the child's parent or guardian. The report shall include a copy of the agreement, a specific description of the steps taken to complete the agreement, and a recommendation to the juvenile officer about whether further action may be necessary.

7. If the parent or guardian does not agree to the temporary alternative placement agreement, the division shall refer the matter to the juvenile officer for appropriate action as determined by the juvenile officer.

8. All parties to the temporary alternative care agreement shall exercise diligent efforts to implement the agreement. The suitable relative and the parents or guardians shall fully cooperate with the division.

9. If the division determines that the goals of the temporary alternative placement agreement are not accomplished within the time period specified in the agreement and the safety or wellbeing of the child cannot be assured if the child were to return home, the division shall refer the case to the juvenile officer.

10. A temporary alternative placement agreement may be executed in conjunction with the informal adjustment process through the juvenile office.

11. The juvenile officer shall not be bound by the terms of a temporary alternative placement agreement, unless the juvenile officer is a signatory to the agreement, and the juvenile officer may exercise discretion to take appropriate action within the juvenile officer's authority under law. However, the juvenile officer shall take into consideration the provisions of and the implementation of the agreement when taking action under such authority.

12. The division shall promulgate regulations to implement the provisions of this section. This section shall not be effective until the regulations are promulgated.

210.135. IMMUNITY FROM LIABILITY, WHEN — EXCEPTION — PRELIMINARY EVALUATION REQUIRED, WHEN. —

1. Any person, official, or institution complying with the provisions of sections 210.110 to 210.165 in the making of a report, the taking of color photographs, or the making of radiologic examinations pursuant to sections 210.110 to 210.165, or both such taking of color photographs and making of radiologic examinations, or the removal or retaining a child pursuant to sections 210.110 to 210.165, or in cooperating with the division, or any other law enforcement agency, juvenile office, court, or child-protective service agency of this or any other state, in any of the activities pursuant to sections 210.110 to 210.165, or any other allegation of child abuse, neglect or assault, pursuant to sections 568.045 to 568.060, shall have immunity from any liability, civil or

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criminal, that otherwise might result by reason of such actions. Provided, however, any person, official or institution intentionally filing a false report, acting in bad faith, or with ill intent, shall not have immunity from any liability, civil or criminal. Any such person, official, or institution shall have the same immunity with respect to participation in any judicial proceeding resulting from the report.

2. **An employee, including a contracted employee, of a state-funded child assessment center, as provided for in subsection 2 of section 210.001, shall be immune from any civil liability that arises from the employee's participation in the investigation process and services by the child assessment center, unless such person acted in bad faith. This subsection shall not displace or limit any other immunity provided by law.**

3. Any person, who is not a school district employee, who makes a report to any employee of the school district of child abuse by a school employee shall have immunity from any liability, civil or criminal, that otherwise might result because of such report. Provided, however, that any such person who makes a false report, knowing that the report is false, or who acts in bad faith or with ill intent in making such report shall not have immunity from any liability, civil or criminal. Any such person shall have the same immunity with respect to participation in any judicial proceeding resulting from the report.

[3-] 4. In a case involving the death or serious injury of a child after a report has been made under sections 210.109 to 210.165, the division shall conduct a preliminary evaluation in order to determine whether a review of the ability of the circuit manager or case worker or workers to perform their duties competently is necessary. The preliminary evaluation shall examine:

- (1) The hotline worker or workers who took any reports related to such case;
- (2) The division case worker or workers assigned to the investigation of such report; and
- (3) The circuit manager assigned to the county where the report was investigated.

Any preliminary evaluation shall be completed no later than three days after the child's death. If the division determines a review and assessment is necessary, it shall be completed no later than three days after the child's death.

210.145. TELEPHONE HOTLINE FOR REPORTS ON CHILD ABUSE — DIVISION DUTIES, PROTOCOLS, LAW ENFORCEMENT CONTACTED IMMEDIATELY, INVESTIGATION CONDUCTED, WHEN, EXCEPTION — CHIEF INVESTIGATOR NAMED — FAMILY SUPPORT TEAM MEETINGS, WHO MAY ATTEND — REPORTER'S RIGHT TO RECEIVE INFORMATION — ADMISSIBILITY OF REPORTS IN CUSTODY CASES. — 1. The division shall develop protocols which give priority to:

- (1) Ensuring the well-being and safety of the child in instances where child abuse or neglect has been alleged;
- (2) Promoting the preservation and reunification of children and families consistent with state and federal law;
- (3) Providing due process for those accused of child abuse or neglect; and
- (4) Maintaining an information system operating at all times, capable of receiving and maintaining reports. This information system shall have the ability to receive reports over a single, statewide toll-free number. Such information system shall maintain the results of all investigations, family assessments and services, and other relevant information.

2. **(1)** The division shall utilize structured decision-making protocols, **including a standard risk assessment that shall be completed within seventy-two hours of the report of abuse or neglect**, for classification purposes of all child abuse and neglect reports. The protocols developed by the division shall give priority to ensuring the well-being and safety of the child. All child abuse and neglect reports shall be initiated within twenty-four hours and shall be classified based upon the reported risk and injury to the child. The division shall promulgate rules regarding the structured decision-making protocols to be utilized for all child abuse and neglect reports.

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(2) The director of the division and the office of state courts administrator shall develop a joint safety assessment tool before December 31, 2020, and such tool shall be implemented before January 1, 2022. The safety assessment tool shall replace the standard risk assessment required under subdivision (1) of this subsection and shall also be completed within seventy-two hours of the report of abuse or neglect.

3. Upon receipt of a report, the division shall determine if the report merits investigation, including reports which if true would constitute a suspected violation of any of the following: section 565.020, 565.021, 565.023, 565.024, or 565.050 if the victim is a child less than eighteen years of age, section 566.030 or 566.060 if the victim is a child less than eighteen years of age, or other crimes under chapter 566 if the victim is a child less than eighteen years of age and the perpetrator is twenty-one years of age or older, section 567.050 if the victim is a child less than eighteen years of age, section 568.020, 568.030, 568.045, 568.050, 568.060, 573.200, or 573.205, section 573.025, 573.035, 573.037, or 573.040, or an attempt to commit any such crimes. The division shall immediately communicate all reports that merit investigation to its appropriate local office and any relevant information as may be contained in the information system. The local division staff shall determine, through the use of protocols developed by the division, whether an investigation or the family assessment and services approach should be used to respond to the allegation. The protocols developed by the division shall give priority to ensuring the well-being and safety of the child.

4. The division may accept a report for investigation or family assessment if either the child or alleged perpetrator resides in Missouri, may be found in Missouri, or if the incident occurred in Missouri.

5. If the division receives a report in which neither the child nor the alleged perpetrator resides in Missouri or may be found in Missouri and the incident did not occur in Missouri, the division shall document the report and communicate it to the appropriate agency or agencies in the state where the child is believed to be located, along with any relevant information or records as may be contained in the division's information system.

6. When the child abuse and neglect hotline receives three or more calls, within a seventy-two hour period, from one or more individuals concerning the same child, the division shall conduct a review to determine whether the calls meet the criteria and statutory definition for a child abuse and neglect report to be accepted. In conducting the review, the division shall contact the hotline caller or callers in order to collect information to determine whether the calls meet the criteria for harassment.

7. The local office shall contact the appropriate law enforcement agency immediately upon receipt of a report which division personnel determine merits an investigation and provide such agency with a detailed description of the report received. In such cases the local division office shall request the assistance of the local law enforcement agency in all aspects of the investigation of the complaint. The appropriate law enforcement agency shall either assist the division in the investigation or provide the division, within twenty-four hours, an explanation in writing detailing the reasons why it is unable to assist.

8. The local office of the division shall cause an investigation or family assessment and services approach to be initiated in accordance with the protocols established in subsection 2 of this section, except in cases where the sole basis for the report is educational neglect. If the report indicates that educational neglect is the only complaint and there is no suspicion of other neglect or abuse, the investigation shall be initiated within seventy-two hours of receipt of the report. If the report indicates the child is in danger of serious physical harm or threat to life, an investigation shall include direct observation of the subject child within twenty-four hours of the receipt of the report. Local law enforcement shall take all necessary steps to facilitate such direct observation. Callers to the child abuse and neglect hotline shall be instructed by the division's hotline to call 911 in instances where the child may be in immediate danger. If the parents of the child are not the alleged perpetrators, a parent of the child must be notified prior to the child being interviewed by the division. No person responding to or

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investigating a child abuse and neglect report shall call prior to a home visit or leave any documentation of any attempted visit, such as business cards, pamphlets, or other similar identifying information if he or she has a reasonable basis to believe the following factors are present:

- (1) (a) No person is present in the home at the time of the home visit; and
- (b) The alleged perpetrator resides in the home or the physical safety of the child may be compromised if the alleged perpetrator becomes aware of the attempted visit;
- (2) The alleged perpetrator will be alerted regarding the attempted visit; or
- (3) The family has a history of domestic violence or fleeing the community.

If the alleged perpetrator is present during a visit by the person responding to or investigating the report, such person shall provide written material to the alleged perpetrator informing him or her of his or her rights regarding such visit, including but not limited to the right to contact an attorney. The alleged perpetrator shall be given a reasonable amount of time to read such written material or have such material read to him or her by the case worker before the visit commences, but in no event shall such time exceed five minutes; except that, such requirement to provide written material and reasonable time to read such material shall not apply in cases where the child faces an immediate threat or danger, or the person responding to or investigating the report is or feels threatened or in danger of physical harm. If the abuse is alleged to have occurred in a school or child care facility the division shall not meet with the child in any school building or child-care facility building where abuse of such child is alleged to have occurred. When the child is reported absent from the residence, the location and the well-being of the child shall be verified. For purposes of this subsection, "child care facility" shall have the same meaning as such term is defined in section 210.201.

9. The director of the division shall name at least one chief investigator for each local division office, who shall direct the division response on any case involving a second or subsequent incident regarding the same subject child or perpetrator. The duties of a chief investigator shall include verification of direct observation of the subject child by the division and shall ensure information regarding the status of an investigation is provided to the public school district liaison. The public school district liaison shall develop protocol in conjunction with the chief investigator to ensure information regarding an investigation is shared with appropriate school personnel. The superintendent of each school district shall designate a specific person or persons to act as the public school district liaison. Should the subject child attend a nonpublic school the chief investigator shall notify the school principal of the investigation. Upon notification of an investigation, all information received by the public school district liaison or the school shall be subject to the provisions of the federal Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. Section 1232g, and federal rule 34 C.F.R. Part 99.

10. The investigation shall include but not be limited to the nature, extent, and cause of the abuse or neglect; the identity and age of the person responsible for the abuse or neglect; the names and conditions of other children in the home, if any; the home environment and the relationship of the subject child to the parents or other persons responsible for the child's care; any indication of incidents of physical violence against any other household or family member; and other pertinent data.

11. When a report has been made by a person required to report under section 210.115, the division shall contact the person who made such report within forty-eight hours of the receipt of the report in order to ensure that full information has been received and to obtain any additional information or medical records, or both, that may be pertinent.

12. Upon completion of the investigation, if the division suspects that the report was made maliciously or for the purpose of harassment, the division shall refer the report and any evidence of malice or harassment to the local prosecuting or circuit attorney.

13. Multidisciplinary teams shall be used whenever conducting the investigation as determined by the division in conjunction with local law enforcement. Multidisciplinary teams shall be used in providing protective or preventive social services, including the services of law enforcement, a liaison

of the local public school, the juvenile officer, the juvenile court, and other agencies, both public and private.

14. For all family support team meetings involving an alleged victim of child abuse or neglect, the parents, legal counsel for the parents, foster parents, the legal guardian or custodian of the child, the guardian ad litem for the child, and the volunteer advocate for the child shall be provided notice and be permitted to attend all such meetings. Family members, other than alleged perpetrators, or other community informal or formal service providers that provide significant support to the child and other individuals may also be invited at the discretion of the parents of the child. In addition, the parents, the legal counsel for the parents, the legal guardian or custodian and the foster parents may request that other individuals, other than alleged perpetrators, be permitted to attend such team meetings. Once a person is provided notice of or attends such team meetings, the division or the convenor of the meeting shall provide such persons with notice of all such subsequent meetings involving the child. Families may determine whether individuals invited at their discretion shall continue to be invited.

15. If the appropriate local division personnel determine after an investigation has begun that completing an investigation is not appropriate, the division shall conduct a family assessment and services approach. The division shall provide written notification to local law enforcement prior to terminating any investigative process. The reason for the termination of the investigative process shall be documented in the record of the division and the written notification submitted to local law enforcement. Such notification shall not preclude nor prevent any investigation by law enforcement.

16. If the appropriate local division personnel determines to use a family assessment and services approach, the division shall:

(1) Assess any service needs of the family. The assessment of risk and service needs shall be based on information gathered from the family and other sources;

(2) Provide services which are voluntary and time-limited unless it is determined by the division based on the assessment of risk that there will be a high risk of abuse or neglect if the family refuses to accept the services. The division shall identify services for families where it is determined that the child is at high risk of future abuse or neglect. The division shall thoroughly document in the record its attempt to provide voluntary services and the reasons these services are important to reduce the risk of future abuse or neglect to the child. If the family continues to refuse voluntary services or the child needs to be protected, the division may commence an investigation;

(3) Commence an immediate investigation if at any time during the family assessment and services approach the division determines that an investigation, as delineated in sections 210.109 to 210.183, is required. The division staff who have conducted the assessment may remain involved in the provision of services to the child and family;

(4) Document at the time the case is closed, the outcome of the family assessment and services approach, any service provided and the removal of risk to the child, if it existed.

17. (1) Within forty-five days of an oral report of abuse or neglect, the local office shall update the information in the information system. The information system shall contain, at a minimum, the determination made by the division as a result of the investigation, identifying information on the subjects of the report, those responsible for the care of the subject child and other relevant dispositional information. The division shall complete all investigations within forty-five days, unless good cause for the failure to complete the investigation is specifically documented in the information system. Good cause for failure to complete an investigation shall include, but not be limited to:

(a) The necessity to obtain relevant reports of medical providers, medical examiners, psychological testing, law enforcement agencies, forensic testing, and analysis of relevant evidence by third parties which has not been completed and provided to the division;

(b) The attorney general or the prosecuting or circuit attorney of the city or county in which a criminal investigation is pending certifies in writing to the division that there is a pending criminal

investigation of the incident under investigation by the division and the issuing of a decision by the division will adversely impact the progress of the investigation; or

(c) The child victim, the subject of the investigation or another witness with information relevant to the investigation is unable or temporarily unwilling to provide complete information within the specified time frames due to illness, injury, unavailability, mental capacity, age, developmental disability, or other cause.

The division shall document any such reasons for failure to complete the investigation.

(2) If a child fatality or near-fatality is involved in a report of abuse or neglect, the investigation shall remain open until the division's investigation surrounding such death or near-fatal injury is completed.

(3) If the investigation is not completed within forty-five days, the information system shall be updated at regular intervals and upon the completion of the investigation, which shall be completed no later than ninety days after receipt of a report of abuse or neglect, or one hundred twenty days after receipt of a report of abuse or neglect involving sexual abuse, or until the division's investigation is complete in cases involving a child fatality or near-fatality. The information in the information system shall be updated to reflect any subsequent findings, including any changes to the findings based on an administrative or judicial hearing on the matter.

18. A person required to report under section 210.115 to the division and any person making a report of child abuse or neglect made to the division which is not made anonymously shall be informed by the division of his or her right to obtain information concerning the disposition of his or her report. Such person shall receive, from the local office, if requested, information on the general disposition of his or her report. Such person may receive, if requested, findings and information concerning the case. Such release of information shall be at the discretion of the director based upon a review of the reporter's ability to assist in protecting the child or the potential harm to the child or other children within the family. The local office shall respond to the request within forty-five days. The findings shall be made available to the reporter within five days of the outcome of the investigation. If the report is determined to be unsubstantiated, the reporter may request that the report be referred by the division to the office of child advocate for children's protection and services established in sections 37.700 to 37.730. Upon request by a reporter under this subsection, the division shall refer an unsubstantiated report of child abuse or neglect to the office of child advocate for children's protection and services.

19. The division shall provide to any individual who is not satisfied with the results of an investigation information about the office of child advocate and the services it may provide under sections 37.700 to 37.730.

20. In any judicial proceeding involving the custody of a child the fact that a report may have been made pursuant to sections 210.109 to 210.183 shall not be admissible. However:

(1) Nothing in this subsection shall prohibit the introduction of evidence from independent sources to support the allegations that may have caused a report to have been made; and

(2) The court may on its own motion, or shall if requested by a party to the proceeding, make an inquiry not on the record with the children's division to determine if such a report has been made.

If a report has been made, the court may stay the custody proceeding until the children's division completes its investigation.

21. Nothing in this chapter shall be construed to prohibit the children's division from coinvestigating a report of child abuse or neglect or sharing records and information with child welfare, law enforcement, or judicial officers of another state, territory, or nation if the children's division determines it is appropriate to do so under the standard set forth in subsection 4 of section 210.150 and if such receiving agency is exercising its authority under the law.

22. In any judicial proceeding involving the custody of a child where the court determines that the child is in need of services under paragraph (d) of subdivision (1) of subsection 1 of section 211.031 and has taken jurisdiction, the child's parent, guardian or custodian shall not be entered into the registry.

23. The children's division is hereby granted the authority to promulgate rules and regulations pursuant to the provisions of section 207.021 and chapter 536 to carry out the provisions of sections 210.109 to 210.183.

24. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid and void.

210.150. CONFIDENTIALITY OF REPORTS AND RECORDS, EXCEPTIONS — VIOLATIONS, PENALTY. — 1. The children's division shall ensure the confidentiality of all reports and records made pursuant to sections 210.109 to 210.183 and maintained by the division, its local offices, the central registry, and other appropriate persons, officials, and institutions pursuant to sections 210.109 to 210.183. To protect the rights of the family and the child named in the report as a victim, the children's division shall establish guidelines which will ensure that any disclosure of information concerning the abuse and neglect involving that child is made only to persons or agencies that have a right to such information. The division may require persons to make written requests for access to records maintained by the division. The division shall only release information to persons who have a right to such information. The division shall notify persons receiving information pursuant to subdivisions (2), (7), (8) and (9) of subsection 2 of this section of the purpose for which the information is released and of the penalties for unauthorized dissemination of information. Such information shall be used only for the purpose for which the information is released.

2. Only the following persons shall have access to investigation records contained in the central registry:

(1) Appropriate federal, state or local criminal justice agency personnel, or any agent of such entity, with a need for such information under the law to protect children from abuse or neglect;

(2) A physician or a designated agent who reasonably believes that the child being examined may be abused or neglected;

(3) Appropriate staff of the division and of its local offices, including interdisciplinary teams which are formed to assist the division in investigation, evaluation and treatment of child abuse and neglect cases or a multidisciplinary provider of professional treatment services for a child referred to the provider;

(4) Any child named in the report as a victim, or a legal representative, or the parent, if not the alleged perpetrator, or guardian of such person when such person is a minor, or is mentally ill or otherwise incompetent, but the names of reporters shall not be furnished to persons in this category. Prior to the release of any identifying information, the division shall determine if the release of such identifying information may place a person's life or safety in danger. If the division makes the determination that a person's life or safety may be in danger, the identifying information shall not be released. The division shall provide a method for confirming or certifying that a designee is acting on behalf of a subject;

(5) Any alleged perpetrator named in the report, but the names of reporters shall not be furnished to persons in this category. Prior to the release of any identifying information, the division shall determine if the release of such identifying information may place a person's life or safety in danger. If the division makes the determination that a person's life or safety may be in danger, the identifying

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information shall not be released. However, the investigation reports will not be released to any alleged perpetrator with pending criminal charges arising out of the facts and circumstances named in the investigation records until an indictment is returned or an information filed;

(6) A grand jury, juvenile officer, prosecuting attorney, law enforcement officer involved in the investigation of child abuse or neglect, juvenile court or other court conducting abuse or neglect or child protective proceedings or child custody proceedings, and other federal, state and local government entities, or any agent of such entity, with a need for such information in order to carry out its responsibilities under the law to protect children from abuse or neglect;

(7) Any person engaged in a bona fide research purpose, with the permission of the director; provided, however, that no information identifying the child named in the report as a victim or the reporters shall be made available to the researcher, unless the identifying information is essential to the research or evaluation and the child named in the report as a victim or, if the child is less than eighteen years of age, through the child's parent, or guardian provides written permission;

(8) Any child-care facility; child-placing agency; residential-care facility, including group homes; juvenile courts; public or private elementary schools; public or private secondary schools; or any other public or private agency exercising temporary supervision over a child or providing or having care or custody of a child who may request an examination of the central registry from the division for all employees and volunteers or prospective employees and volunteers, who do or will provide services or care to children. Any agency or business recognized by the division or business which provides training and places or recommends people for employment or for volunteers in positions where they will provide services or care to children may request the division to provide an examination of the central registry. Such agency or business shall provide verification of its status as a recognized agency. Requests for examinations shall be made to the division director or the director's designee in writing by the chief administrative officer of the above homes, centers, public and private elementary schools, public and private secondary schools, agencies, or courts. The division shall respond in writing to that officer. The response shall include information pertaining to the nature and disposition of any report or reports of abuse or neglect revealed by the examination of the central registry. This response shall not include any identifying information regarding any person other than the alleged perpetrator of the abuse or neglect;

(9) Any parent or legal guardian who inquires about a child abuse or neglect report involving a specific person or child-care facility who does or may provide services or care to a child of the person requesting the information. Request for examinations shall be made to the division director or the director's designee, in writing, by the parent or legal guardian of the child and shall be accompanied with a signed and notarized release form from the person who does or may provide care or services to the child. The notarized release form shall include the full name, date of birth and Social Security number of the person who does or may provide care or services to a child. The response shall include information pertaining to the nature and disposition of any report or reports of abuse or neglect revealed by the examination of the central registry. This response shall not include any identifying information regarding any person other than the alleged perpetrator of the abuse or neglect. The response shall be given within ten working days of the time it was received by the division;

(10) Any person who inquires about a child abuse or neglect report involving a specific child-care facility, child-placing agency, residential-care facility, public and private elementary schools, public and private secondary schools, juvenile court or other state agency. The information available to these persons is limited to the nature and disposition of any report contained in the central registry and shall not include any identifying information pertaining to any person mentioned in the report;

(11) Any state agency acting pursuant to statutes regarding a license of any person, institution, or agency which provides care for or services to children;

(12) Any child fatality review panel established pursuant to section 210.192 or any state child fatality review panel established pursuant to section 210.195;

(13) Any person who is a tenure-track or full-time research faculty member at an accredited institution of higher education engaged in scholarly research, with the permission of the director. Prior to the release of any identifying information, the director shall require the researcher to present a plan for maintaining the confidentiality of the identifying information. The researcher shall be prohibited from releasing the identifying information of individual cases; **and**

(14) Appropriate staff of the United States Department of Defense including, but not limited to, authorized family advocacy program staff or any other staff authorized to receive and respond to reports requested under 10 U.S.C. Section 1787, in cases where a report has been made and the suspected perpetrator or any person responsible for the care, custody, and control of the subject child is a member of the Armed Forces, as defined in section 41.030.

3. Only the following persons shall have access to records maintained by the division pursuant to section 210.152 for which the division has received a report of child abuse and neglect and which the division has determined that there is insufficient evidence or in which the division proceeded with the family assessment and services approach:

(1) Appropriate staff of the division;

(2) Any child named in the report as a victim, or a legal representative, or the parent or guardian of such person when such person is a minor, or is mentally ill or otherwise incompetent. The names or other identifying information of reporters shall not be furnished to persons in this category. Prior to the release of any identifying information, the division shall determine if the release of such identifying information may place a person's life or safety in danger. If the division makes the determination that a person's life or safety may be in danger, the identifying information shall not be released. The division shall provide for a method for confirming or certifying that a designee is acting on behalf of a subject;

(3) Any alleged perpetrator named in the report, but the names of reporters shall not be furnished to persons in this category. Prior to the release of any identifying information, the division shall determine if the release of such identifying information may place a person's life or safety in danger. If the division makes the determination that a person's life or safety may be in danger, the identifying information shall not be released. However, the investigation reports will not be released to any alleged perpetrator with pending criminal charges arising out of the facts and circumstances named in the investigation records until an indictment is returned or an information filed;

(4) Any child fatality review panel established pursuant to section 210.192 or any state child fatality review panel established pursuant to section 210.195;

(5) Appropriate criminal justice agency personnel or juvenile officer;

(6) Multidisciplinary agency or individual including a physician or physician's designee who is providing services to the child or family, with the consent of the parent or guardian of the child or legal representative of the child;

(7) Any person engaged in bona fide research purpose, with the permission of the director; provided, however, that no information identifying the subjects of the reports or the reporters shall be made available to the researcher, unless the identifying information is essential to the research or evaluation and the subject, or if a child, through the child's parent or guardian, provides written permission; **and**

(8) Appropriate staff of the United States Department of Defense including, but not limited to, authorized family advocacy program staff or any other staff authorized to receive and respond to reports requested under 10 U.S.C. Section 1787, in cases where a report has been made and the suspected perpetrator or any person responsible for the care, custody, and control of the subject child is a member of the Armed Forces, as defined in section 41.030.

4. Any person who knowingly violates the provisions of this section, or who permits or encourages the unauthorized dissemination of information contained in the information system or the central registry and in reports and records made pursuant to sections 210.109 to 210.183, shall be guilty of a class A misdemeanor.

5. Nothing in this section shall preclude the release of findings or information about cases which resulted in a child fatality or near fatality. Such release is at the sole discretion of the director of the department of social services, based upon a review of the potential harm to other children within the immediate family.

6. **Notwithstanding any provisions of this section or chapter to the contrary, if the division receives a report and ascertains that a suspected perpetrator or any person responsible for the care, custody, and control of the subject child is a member of the Armed Forces, as defined in section 41.030, the division shall report its findings to the most relevant family advocacy program authorized by the United States Department of Defense or any other relevant person authorized by the United States Department of Defense to receive reports under 10 U.S.C. Section 1787.**

210.201. DEFINITIONS. — As used in sections 210.201 to 210.257, the following terms mean:

- (1) "Child", an individual who is under the age of seventeen;
- (2) "Child care", **care of a child away from his or her home**

for any part of the twenty-four-hour day for compensation or otherwise. "Child care" is a voluntary supplement to parental responsibility for the child's protection, development, and supervision;

(3) "Child-care facility" or **"child care facility"**, a house or other place conducted or maintained by any person who advertises or holds himself or herself out as providing **child care** for ~~more than six children during the daytime;~~ **any part of the twenty-four-hour day** for compensation or otherwise; ~~except those operated by a school system or in connection with a business establishment which provides child care as a convenience for its customers or its employees for no more than four hours per day, but a child care facility shall not include any private or religious organization elementary or secondary school, a religious organization academic preschool or kindergarten for four and five year old children, a home school, as defined in section 167.031, a weekly Sunday or Sabbath school, a vacation Bible school or child care made available while the parents or guardians are attending worship services or other meetings and activities conducted or sponsored by a religious organization. If a facility or program is exempt from licensure based on the school exception established in this subdivision, such facility or program shall submit documentation annually to the department to verify its licensure exempt status; except that, under no circumstances shall any public or religious organization elementary or secondary school, a religious organization academic preschool or kindergarten for four and five year old children, a home school, as defined in section 167.031, a weekly Sunday or Sabbath school, a vacation Bible school or child care made available while the parents or guardians are attending worship services or other meetings and activities conducted or sponsored by a religious organization be required to submit documentation annually to the department to verify its licensure exempt status]~~ **if providing child care to more than:**

- (a) Six children; or
- (b) Three children under two years of age;

(4) "Child care provider" or "provider", the person or persons licensed or required to be licensed under section 210.221 to establish, conduct, or maintain a child care facility;

(5) "Montessori school", a child care program that subscribes to Maria Montessori's educational philosophy and that is accredited by the American Montessori Society or the Association Montessori Internationale;

(6) "Neighborhood youth development program", as described in section 210.278;

(7) "Nursery school", a program operated by a person or an organization with the primary function of providing an educational program for preschool-age children for no more than four hours per day per child;

~~[(3)]~~ **(8) "Person", any [person] individual, firm, corporation, partnership, association, [institution or other incorporated or unincorporated organization] agency, or an incorporated or unincorporated organization regardless of the name used;**

~~[(4)]~~ **(9) "Religious organization", a church, synagogue or mosque; an entity that has or would qualify for federal tax-exempt status as a nonprofit religious organization under Section 501(c) of the Internal Revenue Code; or an entity whose real estate on which the child-care facility is located is exempt from taxation because it is used for religious purposes;**

(10) "School system", a program established primarily for education and that meets the following criteria:

(a) Provides education in at least the first to the sixth grade; and

(b) Provides evidence that the school system's records will be accepted by a public or private school for the transfer of any student;

(11) "Summer camp", a program operated from May to September by a person or organization with the primary function of providing a summer recreational program for children five years of age or older and providing no child care for children under five years of age in the same building or in the same outdoor play area.

210.211. LICENSE REQUIRED — EXCEPTIONS — WRITTEN NOTICE OF LICENSURE STATUS, WHEN. — 1. It shall be unlawful for any person to establish, maintain or operate a child-care facility for children, or to advertise or hold himself or herself out as being able to perform any of the services as defined in section 210.201, without having in effect a written license granted by the department of health and senior services; except that nothing in sections 210.203 to 210.245 shall apply to:

(1) Any person who is caring for six or fewer children, including a maximum of three children under the age of two, at the same physical address. For purposes of this subdivision, children who live in the caregiver's home and who are eligible for enrollment in a public kindergarten, elementary, or high school shall not be considered in the total number of children being cared for;

(2) Any person who receives free of charge, and not as a business, for periods not exceeding ninety consecutive days, as bona fide, occasional and personal guests the child or children of personal friends of such person, and who receives custody of no other unrelated child or children;

~~(3) Any graded boarding school; summer camp, hospital, sanitarium or home which is conducted in good faith primarily to provide education, recreation, medical treatment, or nursing or convalescent care for children;~~ **that is conducted in good faith primarily to provide education;**

~~(4) [Any child care facility maintained or operated under the exclusive control of a religious organization. When a nonreligious organization, having as its principal purpose the provision of child-care services, enters into an arrangement with a religious organization for the maintenance or operation of a child care facility, the facility is not under the exclusive control of the religious organization;~~

~~(5) Any residential facility or day program licensed by the department of mental health pursuant to sections 630.705 to 630.760 which provides care, treatment and habilitation exclusively to children who have a primary diagnosis of mental disorder, mental illness, intellectual disability or developmental disability, as defined in section 630.005]~~ **Any summer camp that is conducted in good faith primarily to provide recreation; [and**

~~(6) Any nursery school]~~ **(5) Any hospital, sanitarium, or home that is conducted in good faith primarily to provide medical treatment or nursing or convalescent care for children;**

(6) Any residential facility or day program licensed by the department of mental health under sections 630.705 to 630.760 that provides care, treatment, and habilitation exclusively to children who have a primary diagnosis of mental disorder, mental illness, intellectual disability, or developmental disability, as those terms are defined in section 630.005;

(7) Any school system as defined in section 210.201;

(8) Any Montessori school as defined in section 210.201;

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

(9) Any business that operates a child care program for the convenience of its customers if the following conditions are met:

(a) The business provides child care for employees' children for no more than four hours per day; and

(b) Customers remain on site while their children are being cared for by the business establishment;

(10) Any home school as defined in section 167.031;

(11) Any religious organization academic preschool or kindergarten for four- and five-year-old children;

(12) Any weekly Sunday or Sabbath school, a vacation bible school, or child care made available while the parents or guardians are attending worship services or other meetings and activities conducted or sponsored by a religious organization;

(13) Any neighborhood youth development program under section 210.278;

(14) Any religious organization elementary or secondary school;

(15) Any private organization elementary or secondary school system providing child care to children younger than school age. If a facility or program is exempt from licensure based upon this exception, such facility or program shall submit documentation annually to the department to verify its licensure-exempt status;

(16) Any nursery school as defined in section 210.201; and

(17) Any child care facility maintained or operated under the exclusive control of a religious organization. If a nonreligious organization having as its principal purpose the provision of child care services enters into an arrangement with a religious organization for the maintenance or operation of a child care facility, the facility is not under the exclusive control of the religious organization.

2. Notwithstanding the provisions of subsection 1 of this section, no child-care facility shall be exempt from licensure if such facility receives any state or federal funds for providing care for children, except for federal funds for those programs which meet the requirements for participation in the Child and Adult Care Food Program pursuant to 42 U.S.C. Section 1766. Grants to parents for child care pursuant to sections 210.201 to 210.257 shall not be construed to be funds received by a person or facility listed in subdivisions (1) and ~~[(4)]~~ (17) of subsection 1 of this section.

3. Any child care facility not exempt from licensure shall disclose the licensure status of the facility to the parents or guardians of children for which the facility provides care. No child care facility exempt from licensure shall represent to any parent or guardian of children for which the facility provides care that the facility is licensed when such facility is in fact not licensed. A parent or guardian shall sign a written notice indicating he or she is aware of the licensure status of the facility. The facility shall keep a copy of this signed written notice on file. All child care facilities shall provide the parent or guardian enrolling a child in the facility with a written explanation of the disciplinary philosophy and policies of the child care facility.

210.221. LICENSES TO BE ISSUED BY DEPARTMENT OF HEALTH AND SENIOR SERVICES — DUTY TO FIX STANDARDS AND MAKE INVESTIGATIONS — RULE VARIANCE GRANTED WHEN, PROCEDURE — SANCTIONING OF LICENSES, WHEN — DENIAL OF APPLICATION, WHEN. — 1. The department of health and senior services shall have the following powers and duties:

(1) After inspection, to grant licenses to persons to operate child-care facilities if satisfied as to the good character and intent of the applicant and that such applicant is qualified and equipped to render care or service conducive to the welfare of children~~], and to renew the same when expired. No license shall be granted for a term exceeding two years]~~. Each license shall specify the kind of child-care services the licensee is authorized to perform, the number of children that can be received or maintained, and their ages and sex;

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Matter in bold-face type is proposed language.

(2) To inspect the conditions of the homes and other places in which the applicant operates a child-care facility, inspect their books and records, premises and children being served, examine their officers and agents, deny, suspend, place on probation or revoke the license of such persons as fail to obey the provisions of sections 210.201 to 210.245 or the rules and regulations made by the department of health and senior services. The director also may revoke or suspend a license when the licensee fails to renew or surrenders the license;

(3) To promulgate and issue rules and regulations the department deems necessary or proper in order to establish standards of service and care to be rendered by such licensees to children. No rule or regulation promulgated by the division shall in any manner restrict or interfere with any religious instruction, philosophies or ministries provided by the facility and shall not apply to facilities operated by religious organizations which are not required to be licensed;

(4) To approve training concerning the safe sleep recommendations of the American Academy of Pediatrics in accordance with section 210.223; and

(5) To determine what records shall be kept by such persons and the form thereof, and the methods to be used in keeping such records, and to require reports to be made to the department at regular intervals.

2. Any child-care facility may request a variance from a rule or regulation promulgated pursuant to this section. The request for a variance shall be made in writing to the department of health and senior services and shall include the reasons the facility is requesting the variance. The department shall approve any variance request that does not endanger the health or safety of the children served by the facility. The burden of proof at any appeal of a disapproval of a variance application shall be with the department of health and senior services. Local inspectors may grant a variance, subject to approval by the department of health and senior services.

3. The department shall deny, suspend, place on probation or revoke a license if it receives official written notice that the local governing body has found that license is prohibited by any local law related to the health and safety of children. The department may deny an application for a license if the department determines that a home or other place in which an applicant would operate a child-care facility is located within one thousand feet of any location where a person required to register under sections 589.400 to 589.425 either resides, as that term is defined in subsection 3 of section 566.147, or regularly receives treatment or services, excluding any treatment or services delivered in a hospital, as that term is defined in section 197.020, or in facilities owned or operated by a hospital system. The department may, after inspection, find the licensure, denial of licensure, suspension or revocation to be in the best interest of the state.

4. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in sections 210.201 to 210.245 shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.

210.252. FIRE, SAFETY, HEALTH AND SANITATION INSPECTIONS, PROCEDURE — VARIANCES TO RULES GRANTED WHEN — RULES AUTHORIZED. — 1. All buildings and premises used by a child-care facility to care for more than six children except those exempted from the licensing provisions of the department of health and senior services pursuant to subdivisions ~~[(1), (2), (3), and (5)]~~ **(1) to (15) of subsection 1** of section 210.211, shall be inspected annually for fire and safety by the state

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Matter in bold-face type is proposed language.

fire marshal, the marshal's designee or officials of a local fire district and for health and sanitation by the department of health and senior services or officials of the local health department. Evidence of compliance with the inspections required by this section shall be kept on file and available to parents of children enrolling in the child-care facility.

2. Local inspection of child-care facilities may be accomplished if the standards employed by local personnel are substantially equivalent to state standards and local personnel are available for enforcement of such standards.

3. Any child-care facility may request a variance from a rule or regulation promulgated pursuant to this section. The request for a variance shall be made in writing to the department of health and senior services and shall include the reasons the facility is requesting the variance. The department shall approve any variance request that does not endanger the health or safety of the children served by the facility. The burden of proof at any appeal of a disapproval of a variance application shall be with the department of health and senior services. Local inspectors may grant a variance, subject to approval by the department.

4. The department of health and senior services shall administer the provisions of sections 210.252 to 210.256, with the cooperation of the state fire marshal, local fire departments and local health agencies.

5. The department of health and senior services shall promulgate rules and regulations to implement and administer the provisions of sections 210.252 to 210.256. Such rules and regulations shall provide for the protection of children in all child-care facilities whether or not such facility is subject to the licensing provisions of sections 210.201 to 210.245.

6. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in sections 210.252 to 210.256 shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.

210.254. RELIGIOUS ORGANIZATION OPERATING FACILITIES EXEMPT UNDER LICENSING LAWS REQUIRED TO FILE PARENTAL NOTICE OF RESPONSIBILITY AND FIRE, SAFETY INSPECTIONS ANNUALLY. —

1. Child-care facilities operated by religious organizations pursuant to the exempt status recognized in subdivision ~~[(4)]~~ (17) of subsection 1 of section 210.211 shall upon enrollment of any child provide the parent or guardian enrolling the child two copies of a notice of parental responsibility, one copy of which shall be retained in the files of the facility after the enrolling parent acknowledges, by signature, having read and accepted the information contained therein.

2. The notice of parental responsibility shall include the following:

(1) Notification that the child-care facility is exempt as a religious organization from state licensing and therefore not inspected or supervised by the department of health and senior services other than as provided herein and that the facility has been inspected by those designated in section 210.252 and is complying with the fire, health and sanitation requirements of sections 210.252 to 210.257;

(2) The names, addresses and telephone numbers of agencies and authorities which inspect the facility for fire, health and safety and the date of the most recent inspection by each;

(3) The staff/child ratios for enrolled children under two years of age, for children ages two to four and for those five years of age and older as required by the department of health and senior services

regulations in licensed facilities, the standard ratio of staff to number of children for each age level maintained in the exempt facility, and the total number of children to be enrolled by the facility;

(4) Notification that background checks have been conducted under the provisions of section 210.1080;

(5) The disciplinary philosophy and policies of the child-care facility; and

(6) The educational philosophy and policies of the child-care facility.

3. A copy of notice of parental responsibility, signed by the principal operating officer of the exempt child-care facility and the individual primarily responsible for the religious organization conducting the child-care facility and copies of the annual fire and safety inspections shall be filed annually during the month of August with the department of health and senior services.

210.566. FOSTER PARENTS' BILL OF RIGHTS. — 1. (1) The children's division and its contractors, recognizing that foster parents are not clients but rather are colleagues in the child welfare team, shall treat foster parents in a manner consistent with the National Association of Social Workers' ethical standards of conduct as described in its Social Workers' Ethical Responsibilities to Colleagues. Foster parents shall treat the children in their care, the child's birth family and members of the child welfare team in a manner consistent with their ethical responsibilities as professional team members.

(2) The children's division and its contractors shall provide written notification of the rights enumerated in this section at the time ~~[of]~~ **a child is placed with the prospective foster parent, at** initial licensure, and at the time of each licensure renewal following the initial licensure period.

2. (1) The children's division and its contractors shall provide foster parents with regularly scheduled opportunities for preservice training, and regularly scheduled opportunities for pertinent inservice training, as determined by the Missouri State Foster Care and Adoption Advisory Board.

(2) The children's division and its contractors shall provide to foster parents and potential adoptive parents, prior to placement, all pertinent information, including but not limited to full disclosure of all medical, psychological, and psychiatric conditions of the child, as well as information from previous placements that would indicate that the child or children may have a propensity to cause violence to any member of the foster family home. The foster parents shall be provided with any information regarding the child or the child's family, including but not limited to the case plan, any family history of mental or physical illness, sexual abuse of the child or sexual abuse perpetrated by the child, criminal background of the child or the child's family, fire-setting or other destructive behavior by the child, substance abuse by the child or child's family, or any other information which is pertinent to the care and needs of the child and to protect the foster or adoptive family. **The children's division and its contractors shall provide full access to the child's medical, psychological, and psychiatric records in its possession at the time of placement, including records prior to the child coming into care, at the time the child is placed with a foster parent. After initial placement, the children's division and its contractors shall have a continuing duty and obligation to provide access to such records that come into its possession or of which the division or its contractors become aware. Access shall include providing information and authorization for foster parents to review or to obtain the records directly from the medical, psychological, or psychiatric services provider. A foster parent may decline access to any or all of the child's records.** Knowingly providing false or misleading information to foster parents in order to secure placement shall be denoted in the caseworker's personnel file and shall be kept on record by the division.

(3) The children's division and its contractors shall arrange preplacement visits, except in emergencies.

(4) The foster parents may ask questions about the child's case plan, encourage a placement or refuse a placement without reprisal from the caseworker or agency. After a placement, the children's division and its contractors shall update the foster parents as new information about the child is gathered.

(5) Foster parents shall be informed in a timely manner by the children's division and its contractors of all team meetings and staffings concerning their licensure status or children placed in their homes, and shall be allowed to participate, consistent with section 210.761.

(6) The children's division and its contractors shall establish reasonably accessible respite care for children in foster care for short periods of time, jointly determined by foster parents and the child's caseworker pursuant to section 210.545. Foster parents shall follow all procedures established by the children's division and its contractors for requesting and using respite care.

(7) Foster parents shall treat all information received from the children's division and its contractors about the child and the child's family as confidential. Information necessary for the medical or psychiatric care of the child may be provided to the appropriate practitioners. Foster parents may share information necessary with school personnel in order to secure a safe and appropriate education for the child. Additionally, foster parents shall share information they may learn about the child and the child's family, and concerns that arise in the care of the child, with the caseworker and other members of the child welfare team. Recognizing that placement changes are difficult for children, foster parents shall seek all necessary information, and participate in preplacement visits whenever possible, before deciding whether to accept a child for placement.

3. (1) Foster parents shall make decisions about the daily living concerns of the child, and shall be permitted to continue the practice of their own family values and routines while respecting the child's cultural heritage. All discipline shall be consistent with state laws and regulations. The children's division shall allow foster parents to help plan visitation between the child and the child's siblings or biological family. Visitations should be scheduled at a time that meets the needs of the child, the biological family members, and the foster family whenever possible. Recognizing that visitation with family members is an important right of children in foster care, foster parents shall be flexible and cooperative with regard to family visits. **The children's division shall not require foster parents to conduct supervised visits or be present during any supervised visits between the child and the child's siblings or biological family.**

(2) Foster parents shall provide care that is respectful of the child's cultural identity and needs. Recognizing that cultural competence can be learned, the children's division and their contractors shall provide foster parents with training that specifically addresses cultural needs of children, including but not limited to, information on skin and hair care, information on any specific religious or cultural practices of the child's biological family, and referrals to community resources for ongoing education and support.

(3) Foster parents shall recognize that the purpose of discipline is to teach and direct the behavior of the child, and ensure that it is administered in a humane and sensitive manner. Foster parents shall use discipline methods which are consistent with children's division policy.

4. (1) Consistent with state laws and regulations, the children's division and its contractors shall provide, upon request by the foster parents, information about a child's progress after the child leaves foster care.

(2) Except in emergencies, foster parents shall be given two weeks advance notice and a written statement of the reasons before a child is removed from their care. When requesting removal of a child from their home, foster parents shall give two weeks advance notice, consistent with division policy, to the child's caseworker, except in emergency situations.

(3) Recognizing the critical nature of attachment for children, if a child reenters the foster care system and is not placed in a relative home, the child's former foster parents shall be given first consideration for placement of the child.

(4) If a child becomes free for adoption while in foster care, the child's foster family shall be given preferential consideration as adoptive parents consistent with section 453.070.

(5) If a foster child becomes free for adoption and the foster parents desire to adopt the child, they shall inform the caseworker within sixty days of the caseworker's initial query. If they do not choose to

pursue adoption, foster parents shall make every effort to support and encourage the child's placement in a permanent home, including but not limited to providing information on the history and care needs of the child and accommodating transitional visitation.

5. Foster parents shall be informed by the court no later than two weeks prior to all court hearings pertaining to a child in their care, and informed of their right to attend and participate, consistent with section 211.464.

6. The children's division and their contractors shall provide access to a fair and impartial grievance process to address licensure, case management decisions, and delivery of service issues. Foster parents shall have timely access to the child placement agency's appeals process, and shall be free from acts of retaliation when exercising the right to appeal.

7. The children's division and their contractors shall provide training to foster parents on the policies and procedures governing the licensure of foster homes, the provision of foster care, and the adoption process. Foster parents shall, upon request, be provided with written documentation of the policies of the children's division and their contractors. Per licensure requirements, foster parents shall comply with the policies of the child placement agency.

8. For purposes of this section, "foster parent" means a resource family providing care of children in state custody.

210.1080. BACKGROUND CHECKS REQUIRED — DEFINITIONS — PROCEDURE — INELIGIBLE FOR EMPLOYMENT, WHEN — EXEMPTION, WHEN — EMERGENCY RULES — INAPPLICABILITY, WHEN. — 1. As used in this section, the following terms mean:

(1) **"Child care provider", a person licensed, regulated, or registered to provide child care within the state of Missouri, including the member or members, manager or managers, shareholder or shareholders, director or directors, and officer or officers of any entity licensed, regulated, or registered to provide child care within the state of Missouri;**

(2) **"Child care staff member", a child care provider; persons employed by the child care provider for compensation, including contract employees or self-employed individuals; individuals or volunteers whose activities involve the care or supervision of children for a child care provider or unsupervised access to children who are cared for or supervised by a child care provider; ~~or~~ individuals residing in a family child care home who are seventeen years of age ~~and~~ or older before January 1, 2021, or eighteen years of age or older on or after January 1, 2021; or individuals residing in a family child care home who are under seventeen years of age before January 1, 2021, or under eighteen years of age on or after January 1, 2021 and have been certified as an adult for the commission of an offense;**

~~[(2)]~~ (3) **"Criminal background check":**

(a) A Federal Bureau of Investigation fingerprint check;

(b) A search of the National Crime Information Center's National Sex Offender Registry; and

(c) A search of the following registries, repositories, or databases in Missouri, the state where the child care staff member resides, and each state where such staff member resided during the preceding five years:

a. The state criminal registry or repository, with the use of fingerprints being required in the state where the staff member resides and optional in other states;

b. The state sex offender registry or repository; and

c. The state-based child abuse and neglect registry and database;

(4) **"Designated department", the department to which criminal background check results are sent; the department of health and senior services for child care staff members or prospective child care staff members of licensed child care facilities; and the department of social services for child care staff members or prospective child care staff members of a license-exempt child care**

facility or an unlicensed child care facility registered with the department of social services under section 210.027;

(5) **"Qualifying result" or "qualifying criminal background check", a finding that a child care staff member or prospective child care staff member is eligible for employment or presence in a child care setting described under this section.**

2. (1) Prior to the employment or presence of a child care staff member in a ~~[family child care home, group child care home, child care center, or license exempt]~~ **licensed** child care facility, the child care provider shall request the results of a criminal background check for such child care staff member from the department of health and senior services.

(2) **Prior to the employment or presence of a child care staff member in a license-exempt child care facility or an unlicensed child care facility registered with the department of social services, the child care provider shall request the results of a criminal background check for such child care staff member from the department of social services.**

(3) A prospective child care staff member may begin work for a child care provider after the ~~[criminal background check has been requested]~~ **qualifying result of either a Federal Bureau of Investigation fingerprint check or a search of the Missouri criminal registry or repository with the use of fingerprints has been received** from the **designated** department; however, pending completion of the criminal background check, the prospective child care staff member shall be supervised at all times by another child care staff member who received a qualifying result on the criminal background check within the past five years.

~~[(3) A family child care home, group child care home, child care center, or license exempt child care facility that has child care staff members at the time this section becomes effective shall request the results of a criminal background check for all child care staff members by January 31, 2019, unless the requirements of subsection 5 of this section are met by the child care provider and proof is submitted to the department of health and senior services by January 31, 2019.]~~

(4) **Any individual who meets the definition of child care provider but is not responsible for the oversight or direction of the child care facility and does not have independent access to the child care facility is not required to request the results of a criminal background check under this section; however, such individual shall be accompanied by an individual with a qualifying criminal background check in order to be present at the child care facility during child care hours.**

3. The costs of the criminal background check shall be the responsibility of the child care staff member but may be paid or reimbursed by the child care provider at the provider's discretion. The fees charged for the criminal background check shall not exceed the actual cost of processing and administration.

4. ~~[Except as otherwise provided in subsection 2 of this section,]~~ Upon completion of the criminal background check, any child care staff member or prospective child care staff member shall be ineligible for employment or presence at a ~~[family child care home, a group child care home, a licensed child care center, or a license exempt]~~ **licensed or license-exempt child care facility or an unlicensed child care facility registered with the department of social services and shall be disqualified from receipt of state or federal funds for providing child care services either by direct payment or through reimbursement to an individual who receives child care benefits** if such person:

(1) Refuses to consent to the criminal background check as required by this section;

(2) Knowingly makes a materially false statement in connection with the criminal background check as required by this section;

(3) Is registered, or is required to be registered, on a state sex offender registry or repository or the National Sex Offender Registry;

(4) ~~[Has a finding]~~ **Is listed as a perpetrator** of child abuse or neglect under ~~[section 210.145 or 210.152]~~ **sections 210.109 to 210.183** or any other finding of child abuse or neglect based on any other state's registry or database; or

(5) Has ~~[been convicted of a felony consisting of]~~ **pled guilty or nolo contendere to or been found guilty of:**

- (a) ~~[Murder, as described in 18 U.S.C. Section 1111;~~
- (b) ~~Child abuse or neglect;~~
- (c) ~~A crime against children, including child pornography;~~
- (d) ~~Spousal abuse;~~
- (e) ~~A crime involving rape or sexual assault;~~
- (f) ~~Kidnapping;~~
- (g) ~~Arson;~~
- (h) ~~Physical assault or battery; or~~
- (i) ~~Subject to subsection 5 of this section, a drug-related offense committed during the preceding five years;]~~ **Any felony for an offense against the person as defined in chapter 565;**
- (b) **Any other offense against the person involving the endangerment of a child as prescribed by law;**
- (c) **Any misdemeanor or felony for a sexual offense as defined in chapter 566;**
- (d) **Any misdemeanor or felony for an offense against the family as defined in chapter 568;**
- (e) **Burglary in the first degree as defined in 569.160;**
- (f) **Any misdemeanor or felony for robbery as defined in chapter 570;**
- (g) **Any misdemeanor or felony for pornography or related offense as defined in chapter 573;**
- (h) **Any felony for arson as defined in chapter 569;**
- (i) **Any felony for armed criminal action as defined in section 571.015, unlawful use of a weapon as defined in section 571.030, unlawful possession of a firearm as defined in section 571.070, or the unlawful possession of an explosive as defined in section 571.072;**
- (j) **Any felony for making a terrorist threat as defined in section 574.115, 574.120, or 574.125;**
- (k) **A felony drug-related offense committed during the preceding five years; or**
- (l) **Any similar offense in any federal, state, municipal, or other court of similar jurisdiction of which the director of the designated department has knowledge.**

~~[(6) Has been convicted of a violent misdemeanor committed as an adult against a child, including the following crimes: child abuse, child endangerment, or sexual assault, or of a misdemeanor involving child pornography; or~~

~~(7) Has been convicted of any similar crime in any federal, state, municipal, or other court.~~

~~Adult household members seventeen years of age and older in a family child care home shall be ineligible to maintain a presence at a family child care home if any one or more of the provisions of this subsection applies to them.]~~

5. Household members seventeen years of age or older before January 1, 2021, or eighteen years of age or older on or after January 1, 2021, or household members under seventeen years of age before January 1, 2021, or under eighteen years of age on or after January 1, 2021, who have been certified as an adult for the commission of an offense shall be ineligible to maintain a presence at a facility licensed as a family child care home during child care hours if any one or more of the provisions of subsection 4 of this section apply to such members.

6. A child care provider may also be disqualified from receipt of state or federal funds for providing child care services either by direct payment or through reimbursement to an individual who receives child care benefits if such person, or any person seventeen years of age or older before January 1, 2021, or eighteen years of age or older on or after January 1, 2021, residing in the household in which child care is being provided, excluding child care provided in the child's

home, has been refused licensure or has experienced licensure suspension or revocation under section 210.221 or 210.496.

7. A child care provider shall not be required to submit a request for a criminal background check under this section for a child care staff member if:

(1) The staff member received a **qualifying** criminal background check within five years before the latest date on which such a submission may be made and while employed by or seeking employment by another child care provider within Missouri;

(2) The department of health and senior services **or the department of social services** provided to the first provider a qualifying criminal background check result, consistent with this section, for the staff member; and

(3) The staff member is employed by a child care provider within Missouri or has been separated from employment from a child care provider within Missouri for a period of not more than one hundred eighty consecutive days.

~~[6.]~~ **8.** (1) The department ~~[of health and senior services shall process]~~ **processing** the request for a criminal background check for any prospective child care staff member or child care staff member **shall do so** as expeditiously as possible, but not to exceed forty-five days after the date on which the provider submitted the request.

(2) The department shall provide the results of the criminal background check to the child care provider in a statement that indicates whether the prospective child care staff member or child care staff member is eligible or ineligible for employment or presence at the child care facility **or receipt of state or federal funds for providing child care services either by direct payment or through reimbursement to an individual who receives child care benefits**. The department shall not reveal to the child care provider any disqualifying crime or other related information regarding the prospective child care staff member or child care staff member.

(3) If such prospective child care staff member or child care staff member is ineligible for employment or presence at the child care facility, the department shall, when providing the results of criminal background check, include information related to each disqualifying crime or other related information, in a report to such prospective child care staff member or child care staff member, along with information regarding the opportunity to appeal under subsection ~~[7.]~~ **9** of this section.

(4) If a prospective child care provider or child care provider has been denied state or federal funds by the department of social services for providing child care, he or she may appeal such denial to the department of social services.

~~[7.]~~ **9.** (1) The prospective child care staff member or child care staff member may appeal **a finding of ineligibility for employment or presence at a child care facility** in writing to the department **that made the determination of ineligibility** to challenge the accuracy or completeness of the information contained in his or her criminal background check~~[,-or]~~ **if his or her finding of ineligibility is based on one or more of the following offenses:**

(a) **Murder, as described in 18 U.S.C. Section 1111;**

(b) **Felony child abuse or neglect;**

(c) **A felony crime against children, including child pornography;**

(d) **Felony spousal abuse;**

(e) **A felony crime involving rape or sexual assault;**

(f) **Felony kidnapping;**

(g) **Felony arson;**

(h) **Felony physical assault or battery;**

(i) **A violent misdemeanor offense committed as an adult against a child, including the offense of child abuse, child endangerment, or sexual assault, or a misdemeanor offense involving child pornography; or**

(j) **Any similar offense in any federal, state, municipal, or other court.**

(2) If a finding of ineligibility is based on an offense not provided for in subdivision (1) of this subsection, the prospective child care staff member or child care staff member may appeal to challenge the accuracy or completeness of the information contained in his or her criminal background check or to offer information mitigating the results and explaining why an eligibility exception should be granted. ~~[The department of health and senior services shall attempt to verify the accuracy of the information challenged by the individual, including making an effort to locate any missing disposition information related to the disqualifying crime.]~~

(3) The appeal shall be filed **with the department that made the determination** within ten days from the ~~[delivery or]~~ mailing of the notice of ineligibility. ~~[The department shall make a decision on the appeal in a timely manner.]~~ **Such department shall attempt to verify the accuracy of the information challenged by the individual, including making an effort to locate any missing disposition information related to the disqualifying offense. After the department verifies the accuracy of the information challenged by the individual, the department shall forward the appeal to the child care background screening review committee established in subdivision (4) of this subsection. The child care background screening review committee shall make a final decision on the written appeal, and such decision shall be made in a timely manner. Such decision shall be considered a noncontested final agency decision by the department that made the determination of ineligibility under this section and appealable under section 536.150. Such decision shall be appealed within thirty days of the mailing of the decision.**

(4) There is hereby established a "Child Care Background Screening Review Committee", which shall consist of the directors of the department of health and senior services and the department of social services or the directors' designee or designees.

(5) Any decision by the child care background screening review committee to grant an eligibility exception as allowed in this section shall only be made upon the approval of all committee members.

10. The department of health and senior services and the department of social services are authorized to enter into any agreements necessary to facilitate the sharing of information between the departments for the enforcement of this section including, but not limited to, the results of the criminal background check or any of its individual components.

11. Nothing in this section shall prohibit either the department of health and senior services or the department of social services from requiring more frequent checks of the family care safety registry established under section 210.903 or the central registry for child abuse established under section 210.109 in order to determine eligibility for employment or presence at the child care facility or receipt of state or federal funds for providing child care services either by direct payment or through reimbursement to an individual who receives child care benefits.

~~[&]~~ 12. The department of health and senior services and the department of social services may **each** adopt emergency rules to implement the requirements of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid and void.

~~[9-]~~ ~~(4)~~ 13. The provisions of this section shall not apply to any child care facility, as defined in section 210.201, maintained or operated under the exclusive control of a religious organization, as described in subdivision ~~[(4)]~~ **(17)** of subsection 1 of section 210.211, unless such facility is a recipient of federal funds for providing care for children, except for federal funds for those programs that meet the requirements for participation in the Child and Adult Care Food Program under 42 U.S.C. Section 1766.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

~~[(2) The provisions of this section, and any rules or regulations promulgated under this section, shall expire if 42 U.S.C. Section 9858f, as enacted by the Child Care and Development Block Grant (CCDBG) Act of 2014, and 45 CFR 98.43 are repealed or if Missouri no longer receives federal funds from the CCDBG.]~~

211.135. APPEARANCE OF CHILD IN COURT, WHEN. — 1. The court, after considering all information provided by the children's division and input from the family support team, shall order the child to appear in court only:

(1) If necessary to make a decision; and

(2) After considering:

(a) The appropriateness of the courtroom environment for the child based on the level of trauma to the child either in the past or to be caused by the experience in the courtroom; and

(b) The hardship to be endured by the child and current guardians in regards to the disruption in regular activities, including school and work, and the needs of any other children in the home,

so long as the court is in compliance with all federal guidelines.

2. Nothing in this section shall be construed to interfere with the right of a child to attend a hearing under subdivision (7) of subsection 3 of section 210.564.

211.171. HEARING PROCEDURE — NOTIFICATION OF CURRENT FOSTER PARENTS, PREADOPTIVE PARENTS AND RELATIVES, WHEN — PUBLIC MAY BE EXCLUDED, WHEN — VICTIM IMPACT STATEMENT PERMITTED, WHEN. — 1. The procedure to be followed at the hearing shall be determined by the juvenile court judge and may be as formal or informal as he or she considers desirable, consistent with constitutional and statutory requirements. The judge may take testimony and inquire into the habits, surroundings, conditions and tendencies of the child and the family to enable the court to render such order or judgment as will best promote the welfare of the child and carry out the objectives of this chapter.

2. The hearing may, in the discretion of the court, proceed in the absence of the child and may be adjourned from time to time.

3. The current foster ~~[parents]~~ **parent** of a child, or any preadoptive parent or relative currently providing care for the child, shall be provided with notice of, and an opportunity to be heard in, any hearing to be held with respect to ~~[the]~~ **a child in his or her care**, and a foster parent shall have standing to participate in all court hearings pertaining to a child in their care. **If a foster parent alleges the court failed to allow the foster parent to be heard orally or by submission of correspondence at any hearing regarding a child in their care, the foster parent may seek remedial writ relief pursuant to Missouri supreme court rules 84, 94, and 97. No docket fee shall be required to be paid by the foster parent. The children's division shall not remove a child from placement with a foster parent based solely upon the foster parent's filing of a petition for a remedial writ or while a writ is pending, unless removal is necessary to ensure the health and safety of the child.**

4. The court shall ensure a child's foster parent has received full access to the child's medical, psychological, and psychiatric records, including prior records, from the children's division and its contractors under section 210.566, by inquiring at the first hearing at which the foster parent is present.

5. All cases of children shall be heard separately from the trial of cases against adults.

~~[5.]~~ **6.** Stenographic notes or an authorized recording of the hearing shall be required if the court so orders or, if requested by any party interested in the proceeding.

~~[6.]~~ **7.** The general public shall be excluded and only such persons admitted as have a direct interest in the case or in the work of the court except in cases where the child is accused of conduct which, if

committed by an adult, would be considered a class A or B felony; or for conduct which would be considered a class C felony, if the child has previously been formally adjudicated for the commission of two or more unrelated acts which would have been class A, B or C felonies, if committed by an adult.

[7-] 8. The practice and procedure customary in proceedings in equity shall govern all proceedings in the juvenile court; except that, the court shall not grant a continuance in such proceedings absent compelling extenuating circumstances, and in such cases, the court shall make written findings on the record detailing the specific reasons for granting a continuance.

[8-] 9. The court shall allow the victim of any offense to submit a written statement to the court. The court shall allow the victim to appear before the court personally or by counsel for the purpose of making a statement, unless the court finds that the presence of the victim would not serve justice. The statement shall relate solely to the facts of the case and any personal injuries or financial loss incurred by the victim. A member of the immediate family of the victim may appear personally or by counsel to make a statement if the victim has died or is otherwise unable to appear as a result of the offense committed by the child.

431.056. MINOR'S ABILITY TO CONTRACT FOR CERTAIN PURPOSES — CONDITIONS — IMMUNITY FROM LIABILITY, WHEN. — 1. A minor shall be qualified and competent to contract for housing, employment, purchase of an automobile, receipt of a student loan, admission to high school or postsecondary school, obtaining medical **and mental health** care, establishing a bank account, admission to a shelter for victims of domestic violence, as that phrase is used in sections 455.200 to 455.220, a rape crisis center, as defined in section 455.003, or a homeless shelter, and receipt of services as a victim of domestic violence or sexual assault, as such terms are defined in section 455.010, including, but not limited to, counseling, court advocacy, financial assistance, and other advocacy services, if:

- (1) The minor is sixteen or seventeen years of age; and
- (2) The minor is homeless, as defined in subsection 1 of section 167.020, or a victim of domestic violence, as defined in section 455.010, unless the child is under the supervision of the children's division or the jurisdiction of the juvenile court; and
- (3) The minor is self-supporting, such that the minor is without the physical or financial support of a parent or legal guardian; and
- (4) The minor's parent or legal guardian has consented to the minor living independent of the parents' or guardians' control. Consent may be expressed or implied, such that:
 - (a) Expressed consent is any verbal or written statement made by the parents or guardian of the minor displaying approval or agreement that the minor may live independently of the parent's or guardian's control;
 - (b) **a.** Implied consent is any action made by the parent or guardian of the minor that indicates the parent or guardian is unwilling or unable to adequately care for the minor. Such actions may include, but are not limited to:

[a-] (i) Barring the minor from the home or otherwise indicating that the minor is not welcome to stay;

[b-] (ii) Refusing to provide any or all financial support for the minor; or

[e-] (iii) Abusing or neglecting the minor, as defined in section 210.110, or committing an act or acts of domestic violence against the minor, as defined in section 455.010.

b. Implied consent, in addition to the actions described in subparagraph a of this paragraph, may also be demonstrated by a letter signed by the following persons verifying that the minor is an unaccompanied youth, as defined in 42 U.S.C. Section 11434a(6):

(i) A director or designee of a governmental or nonprofit agency that receives public or private funding to provide services to homeless persons;

(ii) A local education agency liaison for homeless children and youth designated under 42 U.S.C. Section 11432(g)(1)(J)(ii), or a school social worker or counselor; or

(iii) A licensed attorney representing the minor in any legal matter.

2. A minor who is sixteen years of age or older and who is in the legal custody of the children's division pursuant to an order of a court of competent jurisdiction shall be qualified and competent to contract for the purchase of automobile insurance with the consent of the children's division or the juvenile court. The minor shall be responsible for paying the costs of the insurance premiums and shall be liable for damages caused by his or her negligent operation of a motor vehicle. No state department, foster parent, or entity providing case management of children on behalf of a department shall be responsible for paying any insurance premiums nor liable for any damages of any kind as a result of the operation of a motor vehicle by the minor.

3. A minor who is sixteen years of age or older and who is in the legal custody of the children's division pursuant to an order of a court of competent jurisdiction shall be qualified and competent to contract for the opening of a checking or savings bank account with the consent of the children's division or the juvenile court. The minor shall be responsible for paying all banking-related costs associated with the checking or savings account and shall be liable for any and all penalties should he or she violate a banking agreement. No state department, foster parent, or entity providing case management of children on behalf of a department shall be responsible for paying any bank fees nor liable for any and all penalties related to violation of a banking agreement.

4. Any legally-constituted entity or licensed provider who contracts with a minor under subsection 1 of this section shall be immune from any civil or criminal liability based on the entity's or provider's determination to contract with the minor; provided that, if an entity's or provider's determination of compliance with subsection 1 of this section, or conduct in contracting with the minor, is the result of the entity's or provider's gross negligence or willful or wanton acts or omissions, then the entity or provider may be held liable for their gross negligence or willful or wanton acts or omissions. Consent given under this section shall not be subject to later disaffirmance by reason of the minor's age.

453.121. ADOPTION RECORDS, DISCLOSURE PROCEDURE — REGISTRY OF BIOLOGICAL PARENTS AND ADOPTED ADULTS — DISCLOSURE OF PAPERS, RECORDS AND INFORMATION. —

1. As used in this section, unless the context clearly indicates otherwise, the following terms mean:

- (1) "Adopted adult", any adopted person who is eighteen years of age or over;
- (2) "Adopted child", any adopted person who is less than eighteen years of age;
- (3) "Adult sibling", any brother or sister of the whole or half blood who is eighteen years of age or over;
- (4) "Biological parent", the natural and biological mother or father of the adopted child;
- (5) "Identifying information", **individually identifying** information ~~[which includes the name, date of birth, place of birth and last known address of the biological parent]~~ **for or about a unique individual, including information likely to disclose the contact information, location, or identity of such individual;**
- (6) "Lineal descendant", ~~[a legal descendant of a person]~~ as defined in section 472.010;
- (7) "Nonidentifying information", information ~~[concerning the physical description, nationality, religious background and medical history of the biological parent or sibling]~~ **that is not identifying information.**

2. All papers, records, and information pertaining to an adoption whether part of any permanent record or file may be disclosed only in accordance with this section.

3. Nonidentifying information, if known, concerning undisclosed biological parents or siblings shall be furnished by the child-placing agency or the juvenile court to the adoptive parents, legal

guardians, adopted adult or the adopted adult's lineal descendants if the adopted adult is deceased, upon written request therefor.

4. An adopted adult, or the adopted adult's lineal descendants if the adopted adult is deceased, may make a written request to the circuit court having original jurisdiction of such adoption to secure and disclose information identifying the adopted adult's biological parents. If the biological parents have consented to the release of identifying information under subsection 8 of this section, the court shall disclose such identifying information to the adopted adult or the adopted adult's lineal descendants if the adopted adult is deceased. If the biological parents have not consented to the release of identifying information under subsection 8 of this section, the court shall, within ten days of receipt of the request, notify in writing the child-placing agency or juvenile court personnel having access to the information requested of the request by the adopted adult or the adopted adult's lineal descendants.

5. Within three months after receiving notice of the request of the adopted adult, or the adopted adult's lineal descendants, the child-placing agency or the juvenile court personnel shall make reasonable efforts to notify the biological parents of the request of the adopted adult or the adopted adult's lineal descendants. The child-placing agency or juvenile court personnel may charge actual costs to the adopted adult or the adopted adult's lineal descendants for the cost of making such search. All communications under this subsection are confidential. For purposes of this subsection, "notify" means a personal and confidential contact with the biological parent of the adopted adult, which initial contact shall be made by an employee of the child-placing agency which processed the adoption, juvenile court personnel or some other licensed child-placing agency designated by the child-placing agency or juvenile court. Nothing in this section shall be construed to permit the disclosure of communications privileged pursuant to section 491.060. At the end of three months, the child-placing agency or juvenile court personnel shall file a report with the court stating that each biological parent that was located was given the following information:

- (1) The nature of the identifying information to which the agency has access;
- (2) The nature of any nonidentifying information requested;
- (3) The date of the request of the adopted adult or the adopted adult's lineal descendants;
- (4) The right of the biological parent to file an affidavit with the court stating that the identifying information should be disclosed;
- (5) The effect of a failure of the biological parent to file an affidavit stating that the identifying information should be disclosed.

6. If the child-placing agency or juvenile court personnel reports to the court that it has been unable to notify the biological parent within three months, the identifying information shall not be disclosed to the adopted adult or the adopted adult's lineal descendants. Additional requests for the same or substantially the same information may not be made to the court within one year from the end of the three-month period during which the attempted notification was made, unless good cause is shown and leave of court is granted.

7. If, within three months, the child-placing agency or juvenile court personnel reports to the court that it has notified the biological parent pursuant to subsection 5 of this section, the court shall receive the identifying information from the child-placing agency. If an affidavit duly executed by a biological parent authorizing the release of information is filed with the court or if a biological parent is found to be deceased, the court shall disclose the identifying information as to that biological parent to the adopted adult or the adopted adult's lineal descendants if the adopted adult is deceased, provided that the other biological parent either:

- (1) Is unknown;
- (2) Is known but cannot be found and notified pursuant to subsection 5 of this section;
- (3) Is deceased; or
- (4) Has filed with the court an affidavit authorizing release of identifying information.

If the biological parent fails or refuses to file an affidavit with the court authorizing the release of identifying information, then the identifying information shall not be released to the adopted adult. No additional request for the same or substantially the same information may be made within three years of the time the biological parent fails or refuses to file an affidavit authorizing the release of identifying information.

8. Notwithstanding any provision of law, all information, including identifying information, shall be released to an adopted adult if the adopted adult's biological parent lost his or her parental rights through a nonconsensual termination of parental rights proceeding.

9. Any adopted adult whose adoption was finalized in this state or whose biological parents had their parental rights terminated in this state may request the court to secure and disclose identifying information concerning an adult sibling. Identifying information pertaining exclusively to the adult sibling, whether part of the permanent record of a file in the court or in an agency, shall be released only upon consent of that adult sibling.

~~[9-]~~ **10.** The central office of the children's division within the department of social services shall maintain a registry by which biological parents, adult siblings, and adoptive adults may indicate their desire to be contacted by each other. The division may request such identification for the registry as a party may possess to assure positive identifications. At the time of registry, a biological parent or adult sibling may consent in writing to the release of identifying information to an adopted adult. If such a consent has not been executed and the division believes that a match has occurred on the registry between biological parents or adult siblings and an adopted adult, an employee of the division shall make the confidential contact provided in subsection 5 of this section with the biological parents or adult siblings and with the adopted adult. If the division believes that a match has occurred on the registry between one biological parent or adult sibling and an adopted adult, an employee of the division shall make the confidential contact provided by subsection 5 of this section with the biological parent or adult sibling. The division shall then attempt to make such confidential contact with the other biological parent, and shall proceed thereafter to make such confidential contact with the adopted adult only if the division determines that the other biological parent meets one of the conditions specified in subsection 7 of this section. The biological parent, adult sibling, or adopted adult may refuse to go forward with any further contact between the parties when contacted by the division.

~~[10-]~~ **11.** The provisions of this section, except as provided in subsection 5 of this section governing the release of identifying and nonidentifying adoptive information apply to adoptions completed before and after August 13, 1986.

~~[11-]~~ **12.** All papers, records, and information known to or in the possession of an adoptive parent or adoptive child that pertain to an adoption, regardless of whether part of any permanent record or file, may be disclosed by the adoptive parent or adoptive child. The provisions of this subsection shall not be construed to create a right to have access to information not otherwise allowed under this section.

SECTION 1. COMPREHENSIVE SUBSTANCE TREATMENT AND REHABILITATION PROGRAM — DEPARTMENT OF SOCIAL SERVICES MAY SEEK IMD EXCLUSION WAIVER. — The department of social services may seek a waiver of the Institutions for Mental Disease (IMD) exclusion for the comprehensive substance treatment and rehabilitation program as administered by the department of mental health.

~~**[210.025. CRIMINAL BACKGROUND CHECKS, PERSONS RECEIVING STATE OR FEDERAL FUNDS FOR CHILD CARE, PROCEDURE — RULEMAKING AUTHORITY — EXEMPTIONS, CONTINGENT EXPIRATION DATE. — 1. An applicant child care provider; persons employed by the applicant child care provider for compensation, including contract employees or self-employed individuals; individuals or volunteers whose activities involve the care or supervision of children for the applicant child care provider or unsupervised access to children who are cared for or supervised by the**~~

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

~~applicant child care provider; or individuals residing in the applicant's family child care home who are seventeen years of age or older shall be required to submit to a criminal background check under section 43.540 prior to an applicant being granted a registration and every five years thereafter and an annual check of the central registry for child abuse established in section 210.109 in order for the applicant to qualify for receipt of state or federal funds for providing child care services either by direct payment or through reimbursement to a child care beneficiary. Any costs associated with such checks shall be paid by the applicant.~~

~~2. Upon receipt of an application for state or federal funds for providing child care services in the home, the children's division shall:~~

~~(1) Determine if a finding of child abuse or neglect by probable cause prior to August 28, 2004, or by a preponderance of the evidence after August 28, 2004, involving the applicant or any person over the age of seventeen who is living in the applicant's home has been recorded pursuant to section 210.145 or 210.221;~~

~~(2) Determine if the applicant or any person over the age of seventeen who is living in the applicant's home has been refused licensure or has experienced licensure suspension or revocation pursuant to section 210.221 or 210.496; and~~

~~(3) Upon initial application, require the applicant to submit to fingerprinting and request a criminal background check of the applicant and any person over the age of seventeen who is living in the applicant's home pursuant to section 43.540 and section 210.487, and inquire of the applicant whether any children less than seventeen years of age residing in the applicant's home have ever been certified as an adult and convicted of, or pled guilty or nolo contendere to any crime.~~

~~3. Except as otherwise provided in subsection 4 of this section, upon completion of the background checks in subsection 2 of this section, an applicant shall be denied state or federal funds for providing child care if such applicant, any person over the age of seventeen who is living in the applicant's home, and any child less than seventeen years of age who is living in the applicant's home and who the division has determined has been certified as an adult for the commission of a crime:~~

~~(1) Has had a finding of child abuse or neglect by probable cause prior to August 28, 2004, or by a preponderance of the evidence after August 28, 2004, pursuant to section 210.145 or section 210.152;~~

~~(2) Has been refused licensure or has experienced licensure suspension or revocation pursuant to section 210.496;~~

~~(3) Has pled guilty or nolo contendere to or been found guilty of any felony for an offense against the person as defined by chapter 565, or any other offense against the person involving the endangerment of a child as prescribed by law; of any misdemeanor or felony for a sexual offense as defined by chapter 566; of any misdemeanor or felony for an offense against the family as defined in chapter 568, with the exception of the sale of fireworks, as defined in section 320.110, to a child under the age of eighteen; of any misdemeanor or felony for pornography or related offense as defined by chapter 573; or of any similar crime in any federal, state, municipal or other court of similar jurisdiction of which the director has knowledge or any offenses or reports which will disqualify an applicant from receiving state or federal funds.~~

~~4. An applicant shall be given an opportunity by the division to offer any extenuating or mitigating circumstances regarding the findings, refusals or violations against such applicant or any person over the age of seventeen or less than seventeen who is living in the applicant's home listed in subsection 2 of this section. Such extenuating and mitigating circumstances may be considered by the division in its determination of whether to permit such applicant to receive state or federal funds for providing child care in the home.~~

~~5. An applicant who has been denied state or federal funds for providing child care in the home may appeal such denial decision in accordance with the provisions of section 208.080.~~

6. If an applicant is denied state or federal funds for providing child care in the home based on the background check results for any person over the age of seventeen who is living in the applicant's home, the applicant shall not apply for such funds until such person is no longer living in the applicant's home.

7. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.

8. (1) ~~The provisions of subsection 1 of this section shall not apply to any child care facility, as defined in section 210.201, maintained or operated under the exclusive control of a religious organization, as described in subdivision (4) of subsection 1 of section 210.211, unless such facility is a recipient of federal funds for providing care for children, except for federal funds for those programs that meet the requirements for participation in the Child and Adult Care Food Program under 42 U.S.C. Section 1766.~~

(2) ~~The provisions of subsection 1 of this section, as enacted by the ninety-ninth general assembly, second regular session, and any rules or regulations promulgated under such section, shall expire if 42 U.S.C. Section 9858f, as enacted by the Child Care and Development Block Grant (CCDBG) Act of 2014, and 45 CFR 98.43 are repealed or if Missouri no longer receives federal funds from the CCDBG.]~~

Approved July 13, 2020

SS SCS HB 1467 & HB 1934

Enacts provisions relating to public employee retirement systems.

AN ACT to repeal sections 70.705, 104.010, 104.090, 104.395, 104.1027, and 169.020, RSMo, and to enact in lieu thereof seven new sections relating to public employee retirement systems.

SECTION

A	Enacting clause.
70.705	Members deposit fund, source, contributions of members, repayment of withdrawals — transfers from fund — election to eliminate contributions, when.
104.010	Definitions.
104.090	Normal annuity of retired member — additional allowance to patrolmen, qualifications — survivorship options — option selected prior to retirement, death of spouse, effect — spouse as beneficiary, effect — dissolution of marriage, cancellation of election, when.
104.395	Options available to members in lieu of normal annuity — spouse as designated beneficiary, when — statement that spouse aware of retirement plan elected — reversion of amount of benefit, conditions — special consultant, compensation — election to be made, when — dissolution of marriage, effect, cancellation, when.
104.1027	Options for election of annuity reduction — spouse's benefits — dissolution of marriage, cancellation of election, when.
104.1089	Deferred annuity, when — forfeiture of creditable service and long-term disability benefits.
169.020	System created, what districts included — trustees, appointment, terms, qualifications, election, duties — venue — audit, when — interest.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

Be it enacted by the General Assembly of the state of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 70.705, 104.010, 104.090, 104.395, 104.1027, and 169.020, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as sections 70.705, 104.010, 104.090, 104.395, 104.1027, 104.1089, and 169.020, to read as follows:

70.705. MEMBERS DEPOSIT FUND, SOURCE, CONTRIBUTIONS OF MEMBERS, REPAYMENT OF WITHDRAWALS — TRANSFERS FROM FUND — ELECTION TO ELIMINATE CONTRIBUTIONS, WHEN. — 1. The "Members Deposit Fund" is hereby created. It shall be the fund in which shall be accumulated the contributions made by members to the system, and from which shall be made transfers and refunds of members' contributions as provided in sections 70.600 to 70.755.

2. Except as provided otherwise in this section, the contributions of a member to the system shall be four percent of his compensations after the date he has completed sufficient employment for six months of credited service. Such contributions shall be made notwithstanding that the minimum salary or wages provided by law for any member shall thereby be changed. Each member shall be deemed to consent and agree to the deductions made and provided for herein. Payment of a member's compensation less such deductions shall be a full and complete discharge and acquittance of all claims and demands whatsoever for services rendered by him to a political subdivision, except as to benefits provided by this system.

3. The officer or officers responsible for making up the payrolls for each political subdivision shall cause the contributions provided for in this section to be deducted from the compensation of each member in the employ of the political subdivision, on each and every payroll, for each and every payroll period after the date he has completed sufficient employment for six months of credited service to the date his membership terminates. When deducted, each of these amounts shall be paid by the political subdivision to the system; the payments shall be made in the manner and shall be accompanied by such supporting data as the board shall from time to time prescribe. When paid to the system, each of the amounts shall be credited to the members deposit fund account of the member from whose compensations the contributions were deducted.

4. In addition to the contributions deducted from the compensations of a member, as heretofore provided, a member shall deposit in the members deposit fund, by a single contribution or by an increased rate of contributions, as approved by the board, the amount or amounts he may have withdrawn therefrom and not repaid thereto, together with regular interest from the date of withdrawal to the date of repayment. In no case shall a member be given credit for service rendered prior to the date he withdrew his accumulated contributions until he returns to the members deposit fund all amounts due the fund by him.

5. Upon the retirement of a member, or upon his death if an allowance becomes payable on account of his death, his accumulated contributions shall be transferred to the benefit reserve fund.

6. Each political subdivision, by majority vote of its governing body, may elect with respect to its members **an alternate contribution amount of two percent or six percent of compensation or to eliminate future member contributions otherwise provided for in this section.** **Should a political subdivision elect one benefit program for members whose political subdivision employment is concurrently covered by federal Social Security and a different benefit program for members whose political subdivision employment is not concurrently covered by federal Social Security, as provided in section 70.655, the political subdivision may also, by majority vote of its governing body, make one election concerning member contributions provided for in this section for members whose political subdivision employment is concurrently covered by federal Social Security and one election concerning member contributions provided for in this section for members whose political subdivision employment is not concurrently covered by federal Social Security.** The clerk or secretary of the political subdivision shall certify the election concerning member

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contributions to the board within ten days after such vote. The effective date of the political subdivision's member contribution election is the first day of the calendar month specified by such governing body, or the first day of the calendar month next following receipt by the board of the certification of such election, or the effective date of the political subdivision's becoming an employer, whichever is the latest. Such election concerning member contributions may be changed from time to time by such vote, but not more often than once in two years. Except as provided in section 70.707, if such election is to eliminate member contributions, then such election shall apply only to future member compensations and shall not change the status of any member contributions made before such election. If the effect of such election is to require member contributions, then such election shall apply only to future member compensations and shall not change any member contribution requirements existing before such election. Should an employer change its member contribution requirements as provided in this section, the employer contribution requirements shall be correspondingly changed effective the same date as the member contribution change. The limitation on increases in an employer's contribution provided by subsection 6 of section 70.730 shall not apply to any contribution increase resulting from an employer electing to eliminate member contributions.

104.010. DEFINITIONS. — 1. The following words and phrases as used in sections 104.010 to 104.800, unless a different meaning is plainly required by the context, shall mean:

(1) "Accumulated contributions", the sum of all deductions for retirement benefit purposes from a member's compensation which shall be credited to the member's individual account and interest allowed thereon;

(2) "Active armed warfare", any declared war, or the Korean or Vietnamese Conflict;

(3) "Actuarial equivalent", a benefit which, when computed upon the basis of [actuarial tables and interest] **specified actuarial assumptions approved by the board**, is equal in value to a certain amount or other benefit;

(4) "Actuarial tables", the actuarial tables approved and in use by a board at any given time;

(5) "Actuary", the actuary who is a member of the American Academy of Actuaries or who is an enrolled actuary under the Employee Retirement Income Security Act of 1974 and who is employed by a board at any given time;

(6) "Annuity", annual payments, made in equal monthly installments, to a retired member from funds provided for in, or authorized by, this chapter;

(7) "Annuity starting date", the first day of the first month with respect to which an amount is paid as an annuity under sections 104.010 to 104.800, and the terms retirement, time of retirement, and date of retirement shall mean annuity starting date as defined in this subdivision unless the context in which the term is used indicates otherwise;

(8) "Average compensation", the average compensation of a member for the thirty-six consecutive months of service prior to retirement when the member's compensation was greatest; or if the member is on workers' compensation leave of absence or a medical leave of absence due to an employee illness, the amount of compensation the member would have received may be used, as reported and verified by the employing department; or if the member had less than thirty-six months of service, the average annual compensation paid to the member during the period up to thirty-six months for which the member received creditable service when the member's compensation was the greatest; or if the member is on military leave, the amount of compensation the member would have received may be used as reported and verified by the employing department or, if such amount is not determinable, the amount of the employee's average rate of compensation during the twelve-month period immediately preceding such period of leave, or if shorter, the period of employment immediately preceding such period of leave. The board of each system may promulgate rules for purposes of calculating average compensation and other retirement provisions to accommodate for any state payroll system in which compensation is received on a monthly, semimonthly, biweekly, or other basis;

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(9) "Beneficiary", any persons or entities entitled to or nominated by a member or retiree who may be legally entitled to receive benefits pursuant to this chapter;

(10) "Biennial assembly", the completion of no less than two years of creditable service or creditable prior service by a member of the general assembly;

(11) "Board of trustees", "board", or "trustees", a board of trustees as established for the applicable system pursuant to this chapter;

(12) "Chapter", sections 104.010 to 104.800;

(13) "Compensation":

(a) All salary and wages payable out of any state, federal, trust, or other funds to an employee for personal services performed for a department; but including only amounts for which contributions have been made in accordance with section 104.436, or section 104.070, whichever is applicable, and excluding any nonrecurring single sum payments or amounts paid after the member's termination of employment unless such amounts paid after such termination are a final installment of salary or wages at the same rate as in effect immediately prior to termination of employment in accordance with a state payroll system adopted on or after January 1, 2000, or any other one-time payments made as a result of such payroll system;

(b) All salary and wages which would have been payable out of any state, federal, trust or other funds to an employee on workers' compensation leave of absence during the period the employee is receiving a weekly workers' compensation benefit, as reported and verified by the employing department;

(c) Effective December 31, 1995, compensation in excess of the limitations set forth in Internal Revenue Code Section 401(a)(17) shall be disregarded. The limitation on compensation for eligible employees shall not be less than the amount which was allowed to be taken into account under the system as in effect on July 1, 1993. For this purpose, an "eligible employee" is an individual who was a member of the system before the first plan year beginning after December 31, 1995;

(14) "Consumer price index", the Consumer Price Index for All Urban Consumers for the United States, or its successor index, as approved by a board, as such index is defined and officially reported by the United States Department of Labor, or its successor agency;

(15) "Creditable prior service", the service of an employee which was either rendered prior to the establishment of a system, or prior to the date the employee last became a member of a system, and which is recognized in determining the member's eligibility and for the amount of the member's benefits under a system;

(16) "Creditable service", the sum of membership service and creditable prior service, to the extent such service is standing to a member's credit as provided in this chapter; except that in no case shall more than one day of creditable service or creditable prior service be credited any member for any one calendar day of eligible service credit as provided by law;

(17) "Deferred normal annuity", the annuity payable to any former employee who terminated employment as an employee or otherwise withdrew from service with a vested right to a normal annuity, payable at a future date;

(18) "Department", any department or agency of the executive, legislative or judicial branch of the state of Missouri receiving state appropriations, including allocated funds from the federal government but not including any body corporate or politic unless its employees are eligible for retirement coverage from a system pursuant to this chapter as otherwise provided by law;

(19) "Disability benefits", benefits paid to any employee while totally disabled as provided in this chapter;

(20) "Early retirement age", a member's attainment of fifty-five years of age and the completion of ten or more years of creditable service, except for uniformed members of the water patrol;

(21) "Employee":

(a) Effective August 28, 2007, any elective or appointive officer or person employed by the state who is employed, promoted or transferred by a department into a new or existing position and earns a salary or wage in a position normally requiring the performance by the person of duties during not less than one thousand forty hours per year, including each member of the general assembly but not including any patient or inmate of any state, charitable, penal or correctional institution. However, persons who are members of the public school retirement system and who are employed by a state agency other than an institution of higher learning shall be deemed employees for purposes of participating in all insurance programs administered by a board established pursuant to section 104.450. This definition shall not exclude any employee as defined in this subdivision who is covered only under the federal Old Age and Survivors' Insurance Act, as amended. As used in this chapter, the term "employee" shall include:

a. Persons who are currently receiving annuities or other retirement benefits from some other retirement or benefit fund, so long as they are not simultaneously accumulating creditable service in another retirement or benefit system which will be used to determine eligibility for or the amount of a future retirement benefit;

b. Persons who have elected to become or who have been made members of a system pursuant to section 104.342;

(b) Any person who is not a retiree and has performed services in the employ of the general assembly or either house thereof, or any employee of any member of the general assembly while acting in the person's official capacity as a member, and whose position does not normally require the person to perform duties during at least one thousand forty hours per year, with a month of service being any monthly pay period in which the employee was paid for full-time employment for that monthly period; except that persons described in this paragraph shall not include any such persons who are employed on or after August 28, 2007, and who have not previously been employed in such positions;

(c) "Employee" does not include special consultants employed pursuant to section 104.610;

(d) The system shall consider a person who is employed in multiple positions simultaneously within a single agency to be working in a single position for purposes of determining whether the person is an employee as defined in this subdivision;

(22) "Employer", a department of the state;

(23) "Executive director", the executive director employed by a board established pursuant to the provisions of this chapter;

(24) "Fiscal year", the period beginning July first in any year and ending June thirtieth the following year;

(25) "Full biennial assembly", the period of time beginning on the first day the general assembly convenes for a first regular session until the last day of the following year;

(26) "Fund", the benefit fund of a system established pursuant to this chapter;

(27) "Interest", interest at such rate as shall be determined and prescribed from time to time by a board;

(28) "Member", as used in sections 104.010 to 104.272 or 104.601 to 104.800 shall mean an employee, retiree, or former employee entitled to a deferred annuity covered by the Missouri department of transportation and highway patrol employees' retirement system. "Member", as used in this section and sections 104.312 to 104.800, shall mean an employee, retiree, or former employee entitled to deferred annuity covered by the Missouri state employees' retirement system;

(29) "Membership service", the service after becoming a member that is recognized in determining a member's eligibility for and the amount of a member's benefits under a system;

(30) "Military service", all active service performed in the United States Army, Air Force, Navy, Marine Corps, Coast Guard, and members of the United States Public Health Service or any women's auxiliary thereof; and service in the Army National Guard and Air National Guard when engaged in

active duty for training, inactive duty training or full-time National Guard duty, and service by any other category of persons designated by the President in time of war or emergency;

(31) "Normal annuity", the annuity provided to a member upon retirement at or after the member's normal retirement age;

(32) "Normal retirement age", an employee's attainment of sixty-five years of age and the completion of four years of creditable service or the attainment of age sixty-five years of age and the completion of five years of creditable service by a member who has terminated employment and is entitled to a deferred normal annuity or the member's attainment of age sixty and the completion of fifteen years of creditable service, except that normal retirement age for uniformed members of the highway patrol shall be fifty-five years of age and the completion of four years of creditable service and uniformed employees of the water patrol shall be fifty-five years of age and the completion of four years of creditable service or the attainment of age fifty-five and the completion of five years of creditable service by a member of the water patrol who has terminated employment and is entitled to a deferred normal annuity and members of the general assembly shall be fifty-five years of age and the completion of three full biennial assemblies. Notwithstanding any other provision of law to the contrary, a member of the Missouri department of transportation and highway patrol employees' retirement system or a member of the Missouri state employees' retirement system shall be entitled to retire with a normal annuity and shall be entitled to elect any of the survivor benefit options and shall also be entitled to any other provisions of this chapter that relate to retirement with a normal annuity if the sum of the member's age and creditable service equals eighty years or more and if the member is at least forty-eight years of age;

(33) "Payroll deduction", deductions made from an employee's compensation;

(34) "Prior service credit", the service of an employee rendered prior to the date the employee became a member which service is recognized in determining the member's eligibility for benefits from a system but not in determining the amount of the member's benefit;

(35) "Reduced annuity", an actuarial equivalent of a normal annuity;

(36) "Retiree", a member who is not an employee and who is receiving an annuity from a system pursuant to this chapter;

(37) "System" or "retirement system", the Missouri department of transportation and highway patrol employees' retirement system, as created by sections 104.010 to 104.270, or sections 104.601 to 104.800, or the Missouri state employees' retirement system as created by sections 104.320 to 104.800;

(38) "Uniformed members of the highway patrol", the superintendent, lieutenant colonel, majors, captains, director of radio, lieutenants, sergeants, corporals, and patrolmen of the Missouri state highway patrol who normally appear in uniform;

(39) "Uniformed members of the water patrol", employees of the Missouri state water patrol of the department of public safety who are classified as water patrol officers who have taken the oath of office prescribed by the provisions of chapter 306 and who have those peace officer powers given by the provisions of chapter 306;

(40) "Vesting service", the sum of a member's prior service credit and creditable service which is recognized in determining the member's eligibility for benefits under the system.

2. Benefits paid pursuant to the provisions of this chapter shall not exceed the limitations of Internal Revenue Code Section 415, the provisions of which are hereby incorporated by reference. Notwithstanding any other law to the contrary, the board of trustees may establish a benefit plan under Section 415(m) of the Internal Revenue Code of 1986, as amended. Such plan shall be created solely for the purposes described in Section 415(m)(3)(A) of the Internal Revenue Code of 1986, as amended. The board of trustees may promulgate regulations necessary to implement the provisions of this subsection and to create and administer such benefit plan.

104.090. NORMAL ANNUITY OF RETIRED MEMBER — ADDITIONAL ALLOWANCE TO PATROLMEN, QUALIFICATIONS — SURVIVORSHIP OPTIONS — OPTION SELECTED PRIOR TO RETIREMENT, DEATH OF SPOUSE, EFFECT — SPOUSE AS BENEFICIARY, EFFECT — DISSOLUTION OF MARRIAGE, CANCELLATION OF ELECTION, WHEN. — 1. The normal annuity of a member shall equal one and six-tenths percent of the average compensation of the member multiplied by the number of years of creditable service of such member. In addition, the normal annuity of a uniformed member of the patrol shall be increased by thirty-three and one-third percent.

2. In addition, a uniformed member of the highway patrol who is retiring with a normal annuity after attaining normal retirement age shall receive an additional sum of ninety dollars per month as a contribution by the system until such member attains the age of sixty-five years, when such contribution shall cease. To qualify for the contribution provided in this subsection by the system, the retired uniformed member of the highway patrol is made, constituted, appointed and employed by the board as a special consultant on the problems of retirement, aging and other state matters. Such additional contribution shall be reduced each month by such amount earned by the retired uniformed member of the highway patrol in gainful employment. In order to qualify for the additional contribution provided in this subsection, the retired uniformed member of the highway patrol shall have been:

- (1) Hired by the Missouri state highway patrol prior to January 1, 1995; and
 - (2) Employed by the Missouri state highway patrol or receiving long-term disability or work-related disability benefits on the day before the effective date of the member's retirement.
3. In lieu of the annuity payable to the member pursuant to section 104.100, a member whose age at retirement is forty-eight or more may elect in the member's application for retirement to receive one of the following:

Option 1.

An actuarial reduction approved by the board of the member's annuity in reduced monthly payments for life during retirement with the provision that upon the member's death the reduced annuity at date of death shall be continued throughout the life of, and be paid to, the member's spouse; or

Option 2.

The member's normal annuity in regular monthly payments for life during retirement with the provision that upon the member's death a survivor's benefit equal to one-half the member's normal annuity at date of death shall be paid to the member's spouse in regular monthly payments for life; or

Option 3.

An actuarial reduction approved by the board of the member's normal annuity in reduced monthly payments for the member's life with the provision that if the member dies prior to the member's having received one hundred twenty monthly payments of the member's reduced annuity, the member's reduced allowance to which the member would have been entitled had the member lived shall be paid for the remainder of the one hundred twenty-month period to such beneficiary as the member shall have nominated by written designation duly executed and filed with the board. If there is no beneficiary surviving the retiree, the reserve for such allowance for the remainder of such one hundred twenty-month period shall be paid to the retiree's estate; or

Option 4.

An actuarial reduction approved by the board of the member's normal annuity in reduced monthly payments for the member's life with the provision that if the member dies prior to the member having received sixty monthly payments of the member's reduced annuity, the member's reduced allowance to which the member would have been entitled had the member lived shall be paid for the remainder of the sixty-month period to such beneficiary as the member shall have nominated by written designation duly executed and filed with the board. If there is no beneficiary surviving the retiree, the reserve for such allowance for the remainder of such sixty-month period shall be paid to the retiree's estate.

4. The election may be made only in the application for retirement, and such application shall be filed at least thirty days but not more than ninety days prior to the date on which the retirement of the

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member is to be effective, provided that if either the member or the spouse nominated to receive the survivorship payment dies before the effective date of retirement, the election shall not be effective. If after the reduced annuity commences, the spouse predeceases the retired member, the reduced annuity continues to the retired member during the member's lifetime.

5. Effective July 1, 2000, a member may make an election under option 1 or 2 after the date retirement benefits are initiated if the member makes the election within one year from the date of marriage or July 1, 2000, whichever is later, under any of the following circumstances:

(1) The member elected to receive a normal annuity and was not eligible to elect option 1 or 2 on the date retirement benefits were initiated; or

(2) The member's annuity reverted to a normal annuity pursuant to subsection **7 of this section or subsection 7 or 8 of section 104.103** and the member remarried; or

(3) The member elected option 1 or 2 but the member's spouse at the time of retirement has died and the member has remarried.

6. Any person who terminates employment or retires prior to July 1, 2000, shall be made, constituted, appointed and employed by the board as a special consultant on the problems of retirement, aging and other state matters, and for such services shall be eligible to elect to receive the benefits described in subsection 5 of this section.

7. For retirement applications filed on or after August 28, 2004, the beneficiary for either option 1 or option 2 of subsection 3 of this section shall be the member's spouse at the time of retirement. If the member's marriage ends after retirement as a result of a dissolution of marriage, such dissolution shall not affect the option election and the former spouse shall continue to be eligible to receive survivor benefits upon death of the member, **except a member may cancel his or her election if:**

(1) **The dissolution of marriage of the member and former spouse occurred on or after January 1, 2021, and the dissolution decree provides for sole retention by the member of all rights in the annuity and provides that the former spouse shall not be entitled to any survivor benefits pursuant to this chapter; or**

(2) **The dissolution of marriage of the member and former spouse occurred prior to January 1, 2021, and:**

(a) **The dissolution decree provided for the sole retention by the member of all rights in the annuity pursuant to this chapter, and the parties obtained an amended or modified dissolution decree after January 1, 2021, providing for immediate removal of the former spouse as the beneficiary entitled to survivor benefits to the satisfaction of the system; or**

(b) **The dissolution decree does not provide for the sole retention by the member of all rights in the annuity and the parties obtained an amended or modified dissolution decree after January 1, 2021, which provides for the sole retention by the member of all rights in the annuity and provides that the former spouse shall not be entitled to any survivor benefits pursuant to this chapter.**

Upon meeting the requirements of subdivision (1) or (2) of this subsection, the monthly benefit payable for the lifetime of the member shall be the actuarial equivalent of the annuity payable pursuant to the provisions of option 1 or option 2 of subsection 3 of this section, as adjusted for early retirement if applicable. In no event shall the monthly benefit payable for the lifetime of the member be greater than the amount that would have been payable to the member under subsection 7 or 8 of section 104.103, whichever is applicable, had the former spouse died on the date of the dissolution of marriage. Any increase in the annuity amount pursuant to this subsection shall be prospective and effective the first of the month following the date of receipt by the system of a certified copy of the dissolution decree that meets the requirements of this subsection.

8. Any application for retirement shall only become effective on the first day of the month.

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104.395. OPTIONS AVAILABLE TO MEMBERS IN LIEU OF NORMAL ANNUITY — SPOUSE AS DESIGNATED BENEFICIARY, WHEN — STATEMENT THAT SPOUSE AWARE OF RETIREMENT PLAN ELECTED — REVERSION OF AMOUNT OF BENEFIT, CONDITIONS — SPECIAL CONSULTANT, COMPENSATION — ELECTION TO BE MADE, WHEN — DISSOLUTION OF MARRIAGE, EFFECT, CANCELLATION, WHEN. — 1. In lieu of the normal annuity otherwise payable to a member pursuant to sections 104.335, 104.370, 104.371, 104.374, or 104.400, and prior to the last business day of the month before the annuity starting date pursuant to section 104.401, a member shall elect whether or not to have such member's normal annuity reduced as provided by the options set forth in this section; provided that if such election has not been made within such time, annuity payments due beginning on and after such annuity starting date shall be made the month following the receipt by the system of such election, and further provided, that if such person dies after such annuity starting date but before making such election, no benefits shall be paid except as required pursuant to section 104.420:

Option 1.

An actuarial reduction approved by the board of the member's annuity in reduced monthly payments for life during retirement with the provision that upon the member's death the reduced annuity at the date of the member's death shall be continued throughout the life of, and be paid to, the member's spouse to whom the member was married at the date of retirement and who was nominated by the member to receive such payments in the member's application for retirement or as otherwise provided pursuant to subsection 5 of this section. Such annuity shall be reduced in the same manner as an annuity under option 2 as in effect immediately prior to August 28, 1997. The surviving spouse shall designate a beneficiary to receive any final monthly payment due after the death of the surviving spouse; or

Option 2.

The member's normal annuity in regular monthly payments for life during the member's retirement with the provision that upon the member's death a survivor's benefit equal to one-half the member's annuity at the date of the member's death shall be paid to the member's spouse to whom the member was married at the date of retirement and who was nominated by the member to receive such payments in the member's application for retirement or as otherwise provided pursuant to subsection 5 of this section, in regular monthly payments for life. The surviving spouse shall designate a beneficiary to receive any final monthly payment due after the death of the surviving spouse; or

Option 3.

An actuarial reduction approved by the board of the member's normal annuity in reduced monthly payments for the member's life with the provision that if the member dies prior to the member having received one hundred twenty monthly payments of the member's reduced annuity, the member's reduced annuity to which the member would have been entitled had the member lived shall be paid for the remainder of the one hundred twenty months' period to such beneficiary as the member shall have nominated by written designation duly executed and filed with the board. If there is no such beneficiary surviving the retiree, the reserve for such annuity for the remainder of such one hundred twenty months' period shall be paid as provided under subsection 3 of section 104.620. If such beneficiary dies after the member's date of death but before having received the remainder of the one hundred twenty monthly payments of the retiree's reduced annuity, the reserve for such annuity for the remainder of such one hundred twenty-month period shall be paid as provided under subsection 3 of section 104.620; or

Option 4.

An actuarial reduction approved by the board of the member's normal annuity in reduced monthly payments for the member's life with the provision that if the member dies prior to the member having received sixty monthly payments of the member's reduced annuity, the member's reduced annuity to which the member would have been entitled had the member lived shall be paid for the remainder of the sixty months' period to such beneficiary as the member shall have nominated by written designation

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duly executed and filed with the board. If there be no such beneficiary surviving the retirant, the reserve for such annuity for the remainder of such sixty months' period shall be paid as provided under subsection 3 of section 104.620. If such beneficiary dies after the member's date of death but before having received the remainder of the sixty monthly payments of the retiree's reduced annuity, the reserve for such annuity for the remainder of the sixty-month period shall be paid as provided under subsection 3 of section 104.620.

2. Effective July 1, 2000, if a member is married as of the annuity starting date to a person who has been the member's spouse, the member's annuity shall be paid pursuant to the provisions of either option 1 or option 2 as set forth in subsection 1 of this section, at the member's choice, with the spouse as the member's designated beneficiary unless the spouse consents in writing to the member electing another available form of payment.

3. For members who retire on or after August 28, 1995, in the event such member elected a joint and survivor option pursuant to the provisions of this section and the member's eligible spouse or eligible former spouse precedes the member in death, the member's annuity shall revert effective the first of the month following the death of the spouse or eligible former spouse regardless of when the board receives the member's written application for the benefit provided in this subsection, to an amount equal to the member's normal annuity, as adjusted for early retirement if applicable; such benefit shall include any increases the member would have received since the date of retirement had the member elected a normal annuity. If a member dies prior to notifying the system of the spouse's death, the benefit will not revert to a normal annuity and no retroactive payments shall be made.

4. Effective on or after August 28, 1995, any retired member who had elected a joint and survivor option and whose spouse or eligible former spouse precedes or preceded the member in death shall upon application to the board be made, constituted, appointed and employed by the board as a special consultant on the problems of retirement, aging and other state matters. As a special consultant pursuant to the provisions of this section, the member's reduced annuity shall revert to a normal annuity as adjusted for early retirement, if applicable, effective the first of the month following the death of the spouse or eligible former spouse or August 28, 1995, whichever is later, if the member cancels the member's original joint and survivor election; such annuity shall include any increases the retired member would have received since the date of retirement had the member elected a normal annuity.

5. Effective July 1, 2000, a member may make an election under option 1 or 2 after the date retirement benefits are initiated if the member makes such election within one year from the date of marriage or July 1, 2000, whichever is later, under any of the following circumstances:

(1) The member elected to receive a normal annuity and was not eligible to elect option 1 or 2 on the date retirement benefits were initiated; or

(2) The member's annuity reverted to a normal annuity pursuant to subsection 3 [or] , 4, or 9 of this section and the member remarried.

6. Any person who terminates employment or retires prior to July 1, 2000, shall be made, constituted, appointed and employed by the board as a special consultant on the problems of retirement, aging and other state matters, and for such services shall be eligible to elect to receive the benefits described in subsection 5 of this section.

7. Effective September 1, 2001, the retirement application of any member who fails to make an election pursuant to subsection 1 of this section within ninety days of the annuity starting date contained in such retirement application shall be nullified. Any member whose retirement application is nullified shall not receive retirement benefits until the member files a new application for retirement pursuant to section 104.401 and makes the election pursuant to subsection 1 of this section. In no event shall any retroactive retirement benefits be paid.

8. A member may change a member's election made under this section at any time prior to the system mailing or electronically transferring the first annuity payment to such member.

9. If a member designates a spouse as a beneficiary pursuant to option 1 or option 2 of subsection 1 of this section and subsequently that marriage ends as a result of a dissolution of marriage, such dissolution shall not affect the option election pursuant to this section and the former spouse shall continue to be eligible to receive survivor benefits upon the death of the member, except a member may cancel his or her election if:

(1) The dissolution of marriage of the member and former spouse occurred on or after January 1, 2021, and the dissolution decree provides for sole retention by the member of all rights in the annuity and provides that the former spouse shall not be entitled to any survivor benefits pursuant to this chapter; or

(2) The dissolution of marriage of the member and former spouse occurred prior to January 1, 2021, and:

(a) The dissolution decree provided for the sole retention by the member of all rights in the annuity pursuant to this chapter and the parties obtained an amended or modified dissolution decree after January 1, 2021, providing for immediate removal of the former spouse as the beneficiary entitled to survivor benefits to the satisfaction of the system; or

(b) The dissolution decree does not provide for the sole retention by the member of all rights in the annuity and the parties obtain an amended or modified dissolution decree after January 1, 2021, which provides for the sole retention by the member of all rights in the annuity and provides that the former spouse shall not be entitled to any survivor benefits pursuant to this chapter.

Upon meeting the requirements of subdivision (1) or (2) of this subsection, the monthly benefit payable for the lifetime of the member shall be the actuarial equivalent of the annuity payable pursuant to the provisions of option 1 or option 2 of subsection 1 of this section, as adjusted for early retirement if applicable. In no event shall the monthly benefit payable for the lifetime of the member be greater than the amount that would have been payable to the member under subsection 3 or 4 of this section, whichever is applicable, had the former spouse died on the date of the dissolution of marriage. Any increase in the annuity amount shall be prospective and effective the first of the month following the date of receipt by the system of a certified copy of the dissolution decree that meets the requirements of this subsection.

104.1027. OPTIONS FOR ELECTION OF ANNUITY REDUCTION — SPOUSE'S BENEFITS — DISSOLUTION OF MARRIAGE, CANCELLATION OF ELECTION, WHEN. — 1. Prior to the last business day of the month before the annuity starting date, a member or a vested former member shall elect whether or not to have such member's or such vested former member's life annuity reduced, but not any temporary annuity which may be payable, and designate a beneficiary, as provided by the options set forth in this section; provided that if such election has not been made within such time, annuity payments due beginning on and after the month of the annuity starting date shall be made the month following the receipt by the appropriate system of such election and any other information required by the year 2000 plan created by sections 104.1003 to 104.1093, and further provided, that if such person dies after the annuity starting date but before making such election and providing such other information, no benefits shall be paid except as required pursuant to section 104.1030:

Option 1.

A retiree's life annuity shall be reduced to a certain percent of the annuity otherwise payable. Such percent shall be ninety percent adjusted as follows: if the retiree's age on the annuity starting date is younger than sixty-two years, an increase of three-tenths of one percent for each year the retiree's age is younger than age sixty-two years; and if the beneficiary's age is younger than the retiree's age on the annuity starting date, a decrease of three-tenths of one percent for each year of age difference; and if the retiree's age is younger than the beneficiary's age on the annuity starting date, an increase of three-tenths of one percent for each year of age difference; provided, after all adjustments the option 1 percent cannot

exceed ninety-five percent. Upon the retiree's death, fifty percent of the retiree's reduced annuity shall be paid to such beneficiary who was the retiree's spouse on the annuity starting date or as otherwise provided by subsection 5 of this section.

Option 2.

A retiree's life annuity shall be reduced to a certain percent of the annuity otherwise payable. Such percent shall be eighty-three percent adjusted as follows: if the retiree's age on the annuity starting date is younger than sixty-two years, an increase of four-tenths of one percent for each year the retiree's age is younger than sixty-two years; and if the beneficiary's age is younger than the retiree's age on the annuity starting date, a decrease of five-tenths of one percent for each year of age difference; and if the retiree's age is younger than the beneficiary's age on the annuity starting date, an increase of five-tenths of one percent for each year of age difference; provided, after all adjustments the option 2 percent cannot exceed ninety percent. Upon the retiree's death one hundred percent of the retiree's reduced annuity shall be paid to such beneficiary who was the retiree's spouse on the annuity starting date or as otherwise provided by subsection 5 of this section.

Option 3.

A retiree's life annuity shall be reduced to ninety-five percent of the annuity otherwise payable. If the retiree dies before having received one hundred twenty monthly payments, the reduced annuity shall be continued for the remainder of the one hundred twenty-month period to the retiree's designated beneficiary provided that if there is no beneficiary surviving the retiree, the present value of the remaining annuity payments shall be paid as provided under subsection 3 of section 104.620. If the beneficiary survives the retiree but dies before receiving the remainder of such one hundred twenty monthly payments, the present value of the remaining annuity payments shall be paid as provided under subsection 3 of section 104.620.

Option 4.

A retiree's life annuity shall be reduced to ninety percent of the annuity otherwise payable. If the retiree dies before having received one hundred eighty monthly payments, the reduced annuity shall be continued for the remainder of the one hundred eighty-month period to the retiree's designated beneficiary provided that if there is no beneficiary surviving the retiree, the present value of the remaining annuity payments shall be paid as provided under subsection 3 of section 104.620. If the beneficiary survives the retiree but dies before receiving the remainder of such one hundred eighty monthly payments, the present value of the remaining annuity payments shall be paid as provided under subsection 3 of section 104.620.

2. If a member is married as of the annuity starting date, the member's annuity shall be paid under the provisions of either option 1 or option 2 as set forth in subsection 1 of this section, at the member's choice, with the spouse as the member's designated beneficiary unless the spouse consents in writing to the member electing another available form of payment.

3. If a member has elected at the annuity starting date option 1 or 2 pursuant to this section and if the member's spouse or eligible former spouse dies after the annuity starting date but before the member dies, then the member may cancel the member's election and return to the life annuity form of payment and annuity amount, effective the first of the month following the date of such spouse's or eligible former spouse's death. If a member dies prior to notifying the system of the spouse's death, the benefit will not revert to a life annuity and no retroactive payments shall be made.

4. If a member designates a spouse as a beneficiary pursuant to **option 1 or option 2 of subsection 1 of this section** and subsequently that marriage ends as a result of a dissolution of marriage, such dissolution shall not affect the option election pursuant to this section and the former spouse shall continue to be eligible to receive survivor benefits upon the death of the member, **except a member may cancel his or her election if:**

(1) The dissolution of marriage of the member and former spouse occurred on or after January 1, 2021, and the dissolution decree provides for sole retention by the member of all rights

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Matter in bold-face type is proposed language.

in the annuity and provides that the former spouse shall not be entitled to any survivor benefits pursuant to this chapter; or

(2) The dissolution of marriage of the member and former spouse occurred prior to January 1, 2021, and:

(a) The dissolution decree provided for the sole retention by the member of all rights in the annuity pursuant to this chapter, and the parties obtained an amended or modified dissolution decree after January 1, 2021, providing for immediate removal of the former spouse as the beneficiary entitled to survivor benefits to the satisfaction of the system; or

(b) The dissolution decree does not provide for the sole retention by the member of all rights in the annuity and the parties obtained an amended or modified dissolution decree after January 1, 2021, which provides for the sole retention by the member of all rights in the annuity and provides that the former spouse shall not be entitled to any survivor benefits pursuant to this chapter.

Upon meeting the requirements of subdivision (1) or (2) of this subsection, the monthly benefit payable for the lifetime of the member shall be the actuarial equivalent of the annuity payable pursuant to the provisions of option 1 or option 2 of subsection 1 of this section, as adjusted for early retirement if applicable. In no event shall the monthly benefit payable for the lifetime of the member be greater than the amount that would have been payable to the member under subsection 3 of this section, whichever is applicable, had the former spouse died on the date of the dissolution of marriage. Any increase in the annuity amount pursuant to this subsection shall be prospective and effective the first of the month following the date of receipt by the system of a certified copy of the dissolution decree that meets the requirements of this subsection. For purposes of this subsection, "actuarial equivalent" shall mean a benefit which, when computed upon the basis of specified actuarial assumptions approved by the board, is equal in value to a certain amount or other benefit.

5. Effective July 1, 2000, a member may make an election under option 1 or 2 after the annuity starting date as described in this section if the member makes such election within one year from the date of marriage or July 1, 2000, whichever is later, pursuant to any of the following circumstances:

(1) The member elected to receive a life annuity and was not eligible to elect option 1 or 2 on the annuity starting date; or

(2) The member's annuity reverted to a normal or early retirement annuity pursuant to subsection 3 or 4 of this section, and the member remarried.

6. Effective September 1, 2001, the retirement application of any member who fails to make an election pursuant to subsection 1 of this section within ninety days of the annuity starting date contained in such retirement application shall be nullified. Any member whose retirement application is nullified shall not receive retirement benefits until the member files a new application for retirement pursuant to section 104.1024 and makes the election pursuant to subsection 1 of this section. In no event shall any retroactive retirement benefits be paid.

7. A member may change a member's election made under this section at any time prior to the system mailing or electronically transferring the first annuity payment to such member.

104.1089. DEFERRED ANNUITY, WHEN — FORFEITURE OF CREDITABLE SERVICE AND LONG-TERM DISABILITY BENEFITS. — 1. Subject to the provisions of the Internal Revenue Code, in lieu of retirement annuity benefits otherwise payable under the closed plan or year 2000 plan by the Missouri state employees' retirement system, any member who is no longer an employee covered by the closed plan or year 2000 plan, is entitled to a deferred annuity from either such plan, and is employed in a position covered by a retirement plan provided in chapter 476 may make a one-time election to receive a lump sum payment equal to sixty percent, or a

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Matter in bold-face type is proposed language.

greater percentage determined by the board pursuant to section 104.1063, of the present value of such member's deferred annuity.

2. Any such member making such election under subsection 1 of this section shall forfeit all such member's creditable or credited service and future rights to receive retirement annuity benefits or long term disability benefits from the Missouri state employees' retirement system under the closed plan or year 2000 plan. If such member subsequently becomes an employee in a position covered by the Missouri state employees' retirement system, such member shall be considered a new employee with no prior credited service and shall be subject to the provisions of section 104.1091.

169.020. SYSTEM CREATED, WHAT DISTRICTS INCLUDED — TRUSTEES, APPOINTMENT, TERMS, QUALIFICATIONS, ELECTION, DUTIES — VENUE — AUDIT, WHEN — INTEREST. — 1. For the purpose of providing retirement allowances and other benefits for public school teachers, there is hereby created and established a retirement system which shall be a body corporate, shall be under the management of a board of trustees herein described, and shall be known as "The Public School Retirement System of Missouri". Such system shall, by and in such name, sue and be sued, transact all of its business, invest all of its funds, and hold all of its cash, securities, and other property. The system so created shall include all school districts in this state, except those in cities that had populations of four hundred thousand or more according to the latest United States decennial census, and such others as are or hereafter may be included in a similar system or in similar systems established by law and made operative; provided, that teachers in school districts of more than four hundred thousand inhabitants who are or may become members of a local retirement system may become members of this system with the same legal benefits as accrue to present members of such state system on the terms and under the conditions provided for in section 169.021. The system hereby established shall begin operations on the first day of July next following the date upon which sections 169.010 to 169.130 shall take effect.

2. The general administration and the responsibility for the proper operation of the retirement system and for making effective the provisions of sections 169.010 to 169.141 are hereby vested in a board of trustees of seven persons as follows: four persons to be elected as trustees by the members and retired members of the public school retirement system created by sections 169.010 to 169.141 and the public education employee retirement system created by sections 169.600 to 169.715; and three members appointed by the governor with the advice and consent of the senate. The first member appointed by the governor shall replace the commissioner of education for a term beginning August 28, 1998. The other two members shall be appointed by the governor at the time each member's, who was appointed by the state board of education, term expires.

3. Trustees appointed and elected shall be chosen for terms of four years from the first day of July next following their appointment or election, except that one of the elected trustees shall be a member of the public education employee retirement system and shall be initially elected for a term of three years from July 1, 1991. The initial term of one other elected trustee shall commence on July 1, 1992.

4. Trustees appointed by the governor shall be residents of school districts included in the retirement system, but not employees of such districts or a state employee or a state elected official. At least one trustee so appointed shall be a retired member of the public school retirement system or the public education employee retirement system. Three elected trustees shall be members of the public school retirement system and one elected trustee shall be a member of the public education employee retirement system.

5. The elections of the trustees shall be arranged for, managed and conducted by the board of trustees of the retirement system.

6. If a vacancy occurs in the office of trustee, the vacancy shall be filled for the unexpired term in the same manner as the office was previously filled.

7. Trustees of the retirement system shall serve without compensation but they shall be reimbursed for expenses necessarily incurred through service on the board of trustees.

8. Each trustee shall be commissioned by the governor, and before entering upon the duties of the trustee's office, shall take and subscribe to an oath or affirmation to support the Constitution of the United States, and of the state of Missouri and to demean himself or herself faithfully in the trustee's office. Such oath as subscribed to shall be filed in the office of secretary of state of this state.

9. Each trustee shall be entitled to one vote in the board of trustees. Four votes shall be necessary for a decision by the trustees at any meeting of the board of trustees. Unless otherwise expressly provided herein, a meeting need not be called or held to make any decision on a matter before the board. Each member must be sent by the executive director a copy of the matter to be decided with full information from the files of the board of trustees. The unanimous decision of four trustees may decide the issue by signing a document declaring their decision and sending such written instrument to the executive director of the board, provided that no other member of the board of trustees shall send a dissenting decision to the executive director of the board within fifteen days after such document and information was mailed to the trustee. If any member is not in agreement with four members the matter is to be passed on at a regular board meeting or a special meeting called for the purpose.

10. The board of trustees shall elect one of their number as chairman, and shall employ a full-time executive director, not one of their number, who shall be the executive officer of the board. Other employees of the board shall be chosen only upon the recommendation of the executive director.

11. The board of trustees shall employ an actuary who shall be its technical advisor on matters regarding the operation of the retirement system, and shall perform such duties as are essential in connection therewith, including the recommendation for adoption by the board of mortality and other necessary tables, and the recommendation of the level rate of contributions required for operation of the system.

12. As soon as practicable after the establishment of the retirement system, and annually thereafter, the actuary shall make a valuation of the system's assets and liabilities on the basis of such tables as have been adopted.

13. At least once in the three-year period following the establishment of the retirement system, and in each five-year period thereafter, the board of trustees shall cause to be made an actuarial investigation into the mortality, service, and compensation experience of the members and beneficiaries of the system, and shall make any changes in the mortality, service, and other tables then in use which the results of the investigation show to be necessary.

14. Subject to the limitations of sections 169.010 to 169.141 and 169.600 to 169.715, the board of trustees shall formulate and adopt rules and regulations for the government of its own proceedings and for the administration of the retirement system.

15. The board of trustees shall determine and decide all questions of doubt as to what constitutes employment within the meaning of sections 169.010 to 169.141 and 169.600 to 169.715, the amount of benefits to be paid to members, retired members, beneficiaries and survivors and the amount of contributions to be paid by employer and employee. The executive director shall notify by certified mail both employer and member, retired member, beneficiary or survivor interested in such determination. Any member, retired member, beneficiary or survivor, district or employer adversely affected by such determination, at any time within thirty days after being notified of such determination, may appeal to the circuit court of Cole County. Such appeal shall be tried and determined anew in the circuit court and such court shall hear and consider any and all competent testimony relative to the issues in the case, which may be offered by either party thereto. The circuit court shall determine the rights of the parties under sections 169.010 to 169.141 and 169.600 to 169.715 using the same standard provided in section 536.150, and the judgment or order of such circuit court shall be binding upon the parties and the board shall carry out such judgment or order unless an appeal is taken from such decision of the

circuit court. Appeals may be had from the circuit court by the employer, member, retired member, beneficiary, survivor or the board, in the manner provided by the civil code.

16. The board of trustees shall keep a record of all its proceedings, which shall be open to public inspection. It shall prepare annually a comprehensive annual financial report, the financial section of which shall be prepared in accordance with applicable accounting standards and shall include the independent auditor's opinion letter. The report shall also include information on the actuarial status and the investments of the system. The reports shall be preserved by the executive director and made available for public inspection.

17. The board of trustees shall provide for the maintenance of an individual account with each member, setting forth such data as may be necessary for a ready determination of the member's earnings, contributions, and interest accumulations. It shall also collect and keep in convenient form such data as shall be necessary for the preparation of the required mortality and service tables and for the compilation of such other information as shall be required for the valuation of the system's assets and liabilities. **Except for information pertaining to the salaries and benefits of the executive director and other employees of the board described under subsection 10 of this section,** all individually identifiable information pertaining to members, retirees, beneficiaries and survivors shall be confidential.

18. The board of trustees shall meet regularly at least twice each year, with the dates of such meetings to be designated in the rules and regulations adopted by the board. Such other meetings as are deemed necessary may be called by the chairman of the board or by any four members acting jointly.

19. The headquarters of the retirement system shall be in Jefferson City, where suitable office space, utilities and other services and equipment necessary for the operation of the system shall be provided by the board of trustees and all costs shall be paid from funds of the system. All suits or proceedings directly or indirectly against the board of trustees, the board's members or employees or the retirement system established by sections 169.010 to 169.141 or 169.600 to 169.715 shall be brought in Cole County.

20. The board may appoint an attorney or firm of attorneys to be the legal advisor to the board and to represent the board in legal proceedings, however, if the board does not make such an appointment, the attorney general shall be the legal advisor of the board of trustees, and shall represent the board in all legal proceedings.

21. The board of trustees shall arrange for adequate surety bonds covering the executive director. When approved by the board, such bonds shall be deposited in the office of the secretary of state of this state.

22. The board shall arrange for annual audits of the records and accounts of the system by a firm of certified public accountants.

23. The board by its rules may establish an interest charge to be paid by the employer on any payments of contributions which are delinquent. The rate charged shall not exceed the actuarially assumed rate of return on invested funds of the pertinent system.

Approved July 13, 2020

HCS HB 1511 & 1452

Enacts provisions relating to professional licensing reciprocity.

AN ACT to repeal sections 324.008 and 324.009, RSMo, and to enact in lieu thereof one new section relating to professional licensing reciprocity.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION

- A Enacting clause.
 324.009 Licensure reciprocity — definitions — requirements — inapplicability, when.
 324.008 Nonresident military spouse, temporary courtesy license to be issued upon transfer of active duty military spouse, when — rulemaking authority.

Be it enacted by the General Assembly of the state of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 324.008 and 324.009, RSMo, are repealed and one new section enacted in lieu thereof, to be known as section 324.009, to read as follows:

324.009. LICENSURE RECIPROCITY — DEFINITIONS — REQUIREMENTS — INAPPLICABILITY, WHEN. — 1. For purposes of this section, the following terms mean:

(1) "License", a license, certificate, registration, permit, or accreditation that enables a person to legally practice an occupation or profession in a particular jurisdiction; except that "license" shall not include a certificate of license to teach in public schools under section 168.021;

(2) **"Nonresident military spouse", a nonresident spouse of an active duty member of the Armed Forces of the United States who has been transferred or is scheduled to be transferred to the state of Missouri, or who has been transferred or is scheduled to be transferred to an adjacent state and is or will be domiciled in the state of Missouri, or has moved to the state of Missouri on a permanent change-of-station basis;**

(3) "Oversight body", any board, department, agency, or office of a jurisdiction that issues licenses; except, for the purposes of this section, oversight body shall not include the state board of registration for the healing arts, the state board of nursing, the board of pharmacy, the state committee of psychologists, the Missouri dental board, the Missouri board for architects, professional engineers, professional land surveyors and professional landscape architects, the state board of optometry, or the Missouri veterinary medical board;

(4) **"Resident military spouse", a spouse of an active duty member of the Armed Forces of the United States who has been transferred or is scheduled to be transferred to the state of Missouri or an adjacent state and who is a permanent resident of the state of Missouri, who is domiciled in the state of Missouri, or who has Missouri as his or her home of record.**

2. Any person who is a resident of Missouri, a resident military spouse, or a nonresident military spouse and who holds a valid current license issued by another state, territory of the United States, or the District of Columbia may submit an application for a license in Missouri in the same occupation or profession for which he or she holds the current license, along with proof of current licensure in ~~the~~ all other ~~jurisdiction~~ jurisdictions, to the relevant oversight body in this state.

3. The oversight body in this state shall[-]:

(1) Within six months of receiving an application described in subsection 2 of this section **from a resident of Missouri**, waive any examination, educational, or experience requirements for licensure in this state for the applicant if it determines that the licensing requirements in the jurisdiction that issued the applicant's license are substantially similar to or more stringent than the licensing requirements in Missouri for the same occupation or profession **and shall issue such applicant a license under this section if such applicant otherwise meets the requirements of this section; or**

(2) **Within thirty days of receiving an application described in subsection 2 of this section from a nonresident military spouse or a resident military spouse, waive any examination, educational, or experience requirements for licensure in this state for the applicant and issue such applicant a license under this section if such applicant otherwise meets the requirements of this section.**

4. The oversight body shall not waive any examination, educational, or experience requirements for any applicant who is currently under disciplinary action with an oversight body outside the state or

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Matter in bold-face type is proposed language.

who does not hold a valid current license in the other jurisdiction on the date the oversight body receives his or her application under this section.

5. The oversight body shall not waive any examination, educational, or experience requirements for any applicant if it determines that waiving the requirements for the applicant may endanger the public health, safety, or welfare.

6. Nothing in this section shall prohibit the oversight body from denying a license to an applicant under this section for any reason described in any section associated with the occupation or profession for which the applicant seeks a license.

7. This section shall not be construed to waive any requirement for an applicant to pay any fees, post any bonds or surety bonds, or submit proof of insurance associated with the license the applicant seeks.

8. This section shall not apply to business, professional, or occupational licenses issued or required by political subdivisions.

9. The provisions of this section shall not be construed to alter the authority granted by, or any requirements promulgated pursuant to, any interjurisdictional or interstate compacts adopted by Missouri statute or any reciprocity agreements with other states ~~[in effect on August 28, 2018, and whenever possible this section shall be interpreted so as to imply no conflict between it and any compact, or any reciprocity agreements with other states in effect on August 28, 2018].~~ **If any conflict arises between the provisions of this section and the provisions of any interjurisdictional or interstate compact or reciprocity agreement, the provisions of such compact or agreement shall prevail. If a conflict arises between the provisions of this section and any federal law or rule, the provisions of the federal law or rule shall prevail.**

10. For the purposes of this section, resident military spouses and nonresident military spouses shall be eligible to apply for a license with any board, department, agency, or office of a jurisdiction that issues licenses including, but not limited to, the state board of registration for the healing arts; the state board of nursing; the board of pharmacy; the state committee of psychologists; the Missouri dental board; the Missouri board for architects, professional engineers, professional land surveyors, and professional landscape architects; the state board of optometry; and the Missouri veterinary medical board.

~~[324.008. NONRESIDENT MILITARY SPOUSE, TEMPORARY COURTESY LICENSE TO BE ISSUED UPON TRANSFER OF ACTIVE DUTY MILITARY SPOUSE, WHEN — RULEMAKING AUTHORITY. — 1. As used in this section, "nonresident military spouse" means a nonresident spouse of an active-duty member of the Armed Forces of the United States who has been transferred or is scheduled to be transferred to the state of Missouri, is domiciled in the state of Missouri, or has moved to the state of Missouri on a permanent change-of-station basis.~~

~~2. Except as provided in subsection 6 of this section and notwithstanding any other provision of law, any agency of this state or board established under state law for the regulation of occupations and professions in this state shall, with respect to such occupation or profession that it regulates, by rule establish criteria for the issuance of a temporary courtesy license to a nonresident spouse of an active-duty member of the military who is transferred to this state in the course of the member's military duty, so that, on a temporary basis, the nonresident military spouse may lawfully practice his or her occupation or profession in this state.~~

~~3. Notwithstanding provisions to the contrary, a nonresident military spouse shall receive a temporary courtesy license under subsection 2 of this section if, at the time of application, the nonresident military spouse:~~

~~(1) Holds a current license or certificate in another state, district, or territory of the United States with licensure requirements that the appropriate regulatory board or agency determines are equivalent to those established under Missouri law for that occupation or profession;~~

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Matter in bold-face type is proposed language.

~~(2) Was engaged in the active practice of the occupation or profession for which the nonresident military spouse seeks a temporary license or certificate in a state, district, or territory of the United States for at least two of the five years immediately preceding the date of application under this section;~~

~~(3) Has not committed an act in any jurisdiction that would have constituted grounds for the refusal, suspension, or revocation of a license or certificate to practice that occupation or profession under Missouri law at the time the act was committed;~~

~~(4) Has not been disciplined by a licensing or credentialing entity in another jurisdiction and is not the subject of an unresolved complaint, review procedure, or disciplinary proceeding conducted by a licensing or credentialing entity in another jurisdiction;~~

~~(5) Authorizes the appropriate board or agency to conduct a criminal background check and pay for any costs associated with such background check;~~

~~(6) Pays any fees required by the appropriate board or agency for that occupation or profession; and~~

~~(7) Complies with other requirements as provided by the board.~~

~~4. Relevant full time experience in the discharge of official duties in the military service or an agency of the federal government shall be credited in the counting of years of practice under subdivision (2) of subsection 3 of this section.~~

~~5. A temporary courtesy license or certificate issued under this section is valid for one hundred eighty days and may be extended at the discretion of the applicable regulatory board or agency for another one hundred eighty days on application of the holder of the temporary courtesy license or certificate.~~

~~6. This section shall not apply to the practice of law or the regulation of attorneys.~~

~~7. The appropriate board or agency shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2011, shall be invalid and void.]~~

Approved April 20, 2020

SCS HCS HB 1655

Enacts provisions relating to official documents, with penalty provisions.

AN ACT to repeal sections 2.020, 2.110, 367.031, 486.200, 486.205, 486.210, 486.215, 486.220, 486.225, 486.230, 486.235, 486.240, 486.245, 486.250, 486.255, 486.260, 486.265, 486.270, 486.275, 486.280, 486.285, 486.290, 486.295, 486.300, 486.305, 486.310, 486.315, 486.320, 486.325, 486.330, 486.335, 486.340, 486.345, 486.350, 486.355, 486.360, 486.365, 486.370, 486.375, 486.380, 486.385, 486.390, 486.395, 486.396, and 486.405, RSMo, and to enact in lieu thereof one hundred new sections relating to official documents, with penalty provisions.

SECTION

- | | |
|-------|---|
| A | Enacting clause. |
| 2.020 | Preservation of original rolls. |
| 2.110 | Constitution — availability and distribution. |

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

- 59.568 Electronic records, requirements for certain documents.
- 59.569 Electronic documents with electronic signatures, permissible, when — requirements, certificate — notary public duties — inapplicability, when.
- 367.031 Receipt for pledged property — contents — definitions — third-party charge for database — access to database information, limitations — error in data, procedure — loss of pawn ticket, effect.
- 442.145 Personal appearance, acknowledgement by communication technology.
- 486.600 Definitions.
- 486.605 Notary commission issued, qualifications — denial of application, when, appeal — rulemaking authority.
- 486.610 Notary, term of commission — grandfather provision.
- 486.615 Commission effective, when, bond amount — surety duties — suspension of commission, when.
- 486.620 Secretary to prepare notary commission, duties — register of notaries.
- 486.625 Application, procedure.
- 486.630 Application, contents — declaration — application fee.
- 486.635 Application records, limitations on disclosure.
- 486.640 Notarial acts authorized to be performed by notary.
- 486.645 Limitation on notarial acts, principal requirements — disqualification of notary, when — nonnotarial fee permitted, when.
- 486.650 Refusal to perform notarial act prohibited, when — exceptions.
- 486.655 Notary not to influence person on transaction — notary not to investigate document or transaction.
- 486.660 Prohibited acts.
- 486.665 Signatures and photographs, prohibited acts.
- 486.670 Intent to deceive or defraud prohibited — prohibited uses of title or seal.
- 486.675 Nonattorney notaries, prohibited acts.
- 486.680 Limitation on notary making any claim not authorized — nonattorney notaries, services not in English, notice required — prohibited non-English terms.
- 486.685 Fees.
- 486.690 Fees, payment prior to services — nonrefundable, when.
- 486.695 Notary's employer may prohibit charging of fees, when.
- 486.700 Journal to be maintained, requirements.
- 486.705 Journal contents.
- 486.710 Examination and copying of journal — fee for certified copy, exception.
- 486.715 Safeguarding of journal, requirements.
- 486.725 Paper documents, notarizing — signature and seal — lost or stolen seal — resignation, expiration, or death of notary, effect of — revocation, return of seal.
- 486.730 Official seal, placement of, elements.
- 486.735 Selling or manufacturing notary seals, registration required — requirements for sale or manufacture — violation, penalty.
- 486.740 Notarial certificate required, contents, form.
- 486.745 Paper notarial certificates, requirements — correction or errors or omissions, when.
- 486.750 Form of certificate.
- 486.755 Jurat certificate form.
- 486.760 Signature form.
- 486.765 Certified copy form.
- 486.770 Notarized document sent out of state or country, form — certificate of authority form — apostille form, fee.
- 486.775 Notarial act may be performed, when — seal, signature, title, prima facie evidence, when — reciprocity, when.
- 486.780 Change of address of notary, requirements.
- 486.785 Change of notary's name, requirements.
- 486.790 Resignation of notary commission.
- 486.795 Expiration, resignation, or revocation of notary commission, requirements.
- 486.800 Death of notary, personal representative duties.
- 486.805 Liability for damages by notary, surety, or employer of notary, when.

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- 486.810 Revocation of commission, when — procedure.
- 486.815 Suspension of notary commission.
- 486.820 List of suspended or revoked commissions, publication of.
- 486.825 Additional sanctions permitted.
- 486.830 Rulemaking authority.
- 486.900 Definitions.
- 486.902 Controlling law.
- 486.905 Electronic notaries, commission, registration.
- 486.910 Course of instruction required.
- 486.915 Term of registration.
- 486.920 Electronic registration form, contents — denial of registration, when — confidentiality of records.
- 486.925 Electronic notarial acts authorized.
- 486.930 Electronic notarization, principal requirements.
- 486.935 Electronic notarial certificate, contents, wording.
- 486.940 Electronic signature and seal, requirements — employers, restrictions.
- 486.945 Journal of notarial acts, requirements.
- 486.947 Journal recordings.
- 486.950 Additional requirements for electronic journal of electronic notarial acts and electronic notaries.
- 486.955 Resignation, revocation, expiration, or death of electronic notary.
- 486.960 Fees.
- 486.965 Fees, payment of prior to performance — nonrefundable, when.
- 486.970 Notarized electronic documents transmitted to other states or nations — certificate of authority form.
- 486.975 Fee for electronic certificate of authority.
- 486.980 Electronic notary's e-mail address change, other changes, requirements.
- 486.985 Production of electronic signature or seal, compromise of, requirements.
- 486.990 Termination of registration upon termination of commission as an electronic notary.
- 486.995 Notary representative's duties upon termination of electronic notary commission.
- 486.1000 Improper performance of electronic notarial acts — liabilities, sanctions, and remedies.
- 486.1005 Secretary to terminate electronic notary's registration, when — procedure.
- 486.1010 Impersonating or improperly influencing an electronic notary, penalties.
- 486.1100 Definitions.
- 486.1105 Controlling law.
- 486.1110 Rulemaking authority.
- 486.1115 Standards for remote online notarization, secretary's duties.
- 486.1120 Notary commission and registration required.
- 486.1125 Course of instruction required, content.
- 486.1130 Registration form, contents — denial of registration, when — confidentiality of information.
- 486.1135 Term of registration.
- 486.1140 Permissible remote online notarial acts.
- 486.1145 Audio-video communication, use of, requirements.
- 486.1150 Principal requirements for remote online notarization.
- 486.1155 Remote online notary required to be physically located within this state for performance of remote online notarial acts.
- 486.1160 Additional transaction fee.
- 486.1165 Remote online notarial certificate, contents, wording.
- 486.1170 Registered electronic signature, seal, or single element required, when — employer restrictions — limitations on use of registered signature and seal.
- 486.1175 Jurat certificate form — signature form.
- 486.1180 Electronic journals.
- 486.1185 Electronic journal recording requirements.
- 486.1190 Additional requirements for electronic journal of remote online notarial acts and remote online notaries.
- 486.1195 Audio and video recording of performance of notarial acts, when, requirements.
- 486.1200 Safeguarding electronic documents, signature, and seal.

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- 486.1205 Remote online notary — resignation, revocation, expiration, or death — procedure.
- 578.700 Notaries and notarial acts — prohibited acts — violations, penalties.
- 486.200 Definitions.
- 486.205 Notary public, how appointed.
- 486.210 Notary's authority to be statewide.
- 486.215 Term of office.
- 486.220 Qualifications for notary.
- 486.225 Application, form of, fee — renewal.
- 486.230 Commission to be issued, when — contents.
- 486.235 Bond required — oath, form of.
- 486.240 Failure of applicant to appear and qualify, effect of.
- 486.245 Register of notaries to be kept — bond, signature and oath to secretary of state — secretary of state notary seal database.
- 486.250 Powers of notary.
- 486.255 Notary disqualified, when.
- 486.260 Notary to keep journal — exceptions.
- 486.265 Certified copy of notary record, when given, fee — journal to be kept.
- 486.270 Copies of notarial acts furnished on court order — fee.
- 486.275 Signature of notary required, when — electronic signature sufficient, when, — rulemaking authority.
- 486.280 Printed information required on notary certificate.
- 486.285 Notary public seal manufacturer registration, penalty for violation — seal, contents, form — application — property of notary.
- 486.290 Illegibility of certificate, effect of.
- 486.295 Change of address, notice of, effect of.
- 486.300 Change of name by notary, notice to secretary of state, procedure, fee — signature, how signed.
- 486.305 Loss of seal or journal, notice to secretary of state — new commission issued, notice to public — destruction of seal, notice to secretary of state.
- 486.310 Resignation, notice to public, future applications — amendment of commission.
- 486.315 Removal from county of residence, effect of — amended commission, when, procedure, fee.
- 486.320 Notice of revocation of commission, compliance with.
- 486.325 Automatic reappointment prohibited.
- 486.330 Form of acknowledgments.
- 486.335 Affirmations, form of.
- 486.340 Executing witness defined — form of affidavit of executing witness.
- 486.345 Facsimile may be certified — form of certification.
- 486.350 Maximum fees — overcharges or charge for absentee ballots, effect of — travel fee charged, when.
- 486.355 Liable in damages, when.
- 486.360 Employer of a notary public liable, when.
- 486.365 Sole cause not necessary to establish notary's liability.
- 486.370 Penalty for notary's misconduct.
- 486.375 Impersonation of a notary, penalty for.
- 486.380 Unlawful possession of notary seal, journal or papers a misdemeanor, penalty.
- 486.385 Grounds for revocation of commission.
- 486.390 Unauthorized practice of law by notary, remedy for.
- 486.395 Certification of notary's authority by the secretary of state, fee, form.
- 486.396 Notary seal stolen, procedure.
- 486.405 Term of notary not to be diminished, exception.

Be it enacted by the General Assembly of the state of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 2.020, 2.110, 367.031, 486.200, 486.205, 486.210, 486.215, 486.220, 486.225, 486.230, 486.235, 486.240, 486.245, 486.250, 486.255, 486.260, 486.265, 486.270, 486.275, 486.280, 486.285, 486.290, 486.295, 486.300, 486.305, 486.310, 486.315, 486.320, 486.325, 486.330, 486.335, 486.340, 486.345, 486.350, 486.355, 486.360, 486.365, 486.370, 486.375,

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486.380, 486.385, 486.390, 486.395, 486.396, and 486.405, RSMo, are repealed and one hundred new sections enacted in lieu thereof, to be known as sections 2.020, 2.110, 59.568, 59.569, 367.031, 442.145, 486.600, 486.605, 486.610, 486.615, 486.620, 486.625, 486.630, 486.635, 486.640, 486.645, 486.650, 486.655, 486.660, 486.665, 486.670, 486.675, 486.680, 486.685, 486.690, 486.695, 486.700, 486.705, 486.710, 486.715, 486.725, 486.730, 486.735, 486.740, 486.745, 486.750, 486.755, 486.760, 486.765, 486.770, 486.775, 486.780, 486.785, 486.790, 486.795, 486.800, 486.805, 486.810, 486.815, 486.820, 486.825, 486.830, 486.900, 486.902, 486.905, 486.910, 486.915, 486.920, 486.925, 486.930, 486.935, 486.940, 486.945, 486.947, 486.950, 486.955, 486.960, 486.965, 486.970, 486.975, 486.980, 486.985, 486.990, 486.995, 486.1000, 486.1005, 486.1010, 486.1100, 486.1105, 486.1110, 486.1115, 486.1120, 486.1125, 486.1130, 486.1135, 486.1140, 486.1145, 486.1150, 486.1155, 486.1160, 486.1165, 486.1170, 486.1175, 486.1180, 486.1185, 486.1190, 486.1195, 486.1200, 486.1205, and 578.700, to read as follows:

2.020. PRESERVATION OF ORIGINAL ROLLS. — As soon as practicable after the laws passed at any session of the general assembly are printed and delivered, the secretary of state shall ~~cause the original rolls to be bound in a strong and substantial manner and properly labeled, and shall make therein a typewritten index referring to each act and the subject matter of the same and shall~~ **preserve and make available to the public for inspection the** ~~[volumes thus bound]~~ **original rolls** safely in his or her office.

2.110. CONSTITUTION — AVAILABILITY AND DISTRIBUTION. — The secretary of state, as soon as practicable after ~~[the effective date of this section and every four years thereafter if during any such period]~~ any amendments have been adopted, shall ~~[reprint, issue and distribute forty-five thousand]~~ **make available in print and online** copies of the Constitution of the state of Missouri in the form contained in "Report No. 5" of the committee on legislative research, together with the amendments that have been adopted since the preceding publication.

59.568. ELECTRONIC RECORDS, REQUIREMENTS FOR CERTAIN DOCUMENTS. — 1. If a statute, regulation, or ordinance requires, as a condition for recording, that a document be an original, be on paper or another tangible medium, or be in writing, the requirement is satisfied by an electronic record that otherwise complies with the requirements of this chapter.

2. A requirement that a document or a signature associated with a document be notarized, acknowledged, verified, witnessed, or made under oath is satisfied if the electronic signature of the person authorized to perform that act, and all other information required to be included, is attached to or logically associated with the document or signature. A physical or electronic image of a stamp, impression, or seal need not accompany an electronic signature if the notary public has attached an electronic notarial certificate that meets the requirements of this chapter.

3. This section shall only apply to documents presented to a recorder of deeds for recordings pursuant to chapter 442 or 443.

59.569. ELECTRONIC DOCUMENTS WITH ELECTRONIC SIGNATURES, PERMISSIBLE, WHEN — REQUIREMENTS, CERTIFICATE — NOTARY PUBLIC DUTIES — INAPPLICABILITY, WHEN. —

1. If a law requires, as a condition for recording, that a document be an original, be on paper or another tangible medium, be in writing, or be signed, the requirement is satisfied by a paper copy of an electronic document bearing an electronic signature that a notary public has certified to be a true and correct copy of a document that was originally in electronic form and bearing an electronic signature pursuant to subsection 3 of this section.

2. A requirement that a document or a signature associated with a document be notarized, acknowledged, verified, witnessed, or made under oath is satisfied by a paper copy of an

electronic document bearing an electronic signature of the person authorized to perform that act, and all other information required to be included, that a notary public has certified to be a true and correct copy of a document that was originally in electronic form and bearing an electronic signature of the person pursuant to subsection 3 of this section.

3. A clerk or recorder shall record a paper copy of a document that was originally in electronic form and that is otherwise entitled to be recorded under the laws of this state, provided that the paper copy has been certified to be a true and correct copy of the electronic original by a notary public duly commissioned under the laws of this state as evidenced by a certificate attached to or made a part of the document. The certificate shall:

- (1) Be signed and dated by the notary public, and be signed in the same manner as on file with the secretary of state;
- (2) Identify the jurisdiction in which the certification is performed;
- (3) Contain the title of the notary public;
- (4) Indicate the date of expiration, if any, of the notary public's commission; and
- (5) Include an official seal or stamp of the notary public affixed to or embossed on the certificate.

4. The following form of certificate is sufficient for the purposes of this section, if completed with the information required in subsection 3 of this section:

State of

County of

I certify that the foregoing and annexed document entitled (document title, if applicable), (dated) (document date, if applicable), and containing pages is a true and correct copy of an electronic document bearing one or more electronic signatures this (date).

.....

Signature of notary public

Seal/stamp

(.....)

Notary Public

(My commission expires:

.....)

(My notary registration number is:

.....)

5. A notary public duly commissioned under the laws of this state has the authority to make the certification provided in this section.

6. A notary public making the certification provided in this section shall:

- (1) Confirm that the electronic document contains an electronic signature that is capable of independent verification and renders any subsequent changes or modifications to the electronic document evident;
- (2) Personally print or supervise the printing of the electronic document onto paper; and
- (3) Not make any changes or modifications to the electronic document other than the certification described in subsection 3 of this section.

7. If a certificate is completed with the information required by subsection 3 of this section and is attached to or made a part of a paper document, the certificate shall be conclusive evidence that the requirements of subsection 6 of this section have been satisfied with respect to the document.

8. A document purporting to convey or encumber real property or any interest therein that has been recorded by a clerk or recorder for the jurisdiction in which the real property is located, although the document may not have been certified in accordance with the provisions of this

section, shall impart the same notice to third persons and be effective, from the time of recording, as if the document had been certified in accordance with the provisions of this section.

9. This section does not apply to a plat, map, or survey of real property if under another law of this state or under a rule, regulation, or ordinance applicable to a clerk or recorder:

(1) There are requirements of format or medium for the execution, creation, or recording of such plat, map, or survey beyond the requirements applicable to a deed to real property; or

(2) Such plat, map, or survey shall be recorded in a different location than a deed to real property.

10. This section shall only apply to documents presented to a recorder of deeds for recordings pursuant to chapter 442 or 443.

367.031. RECEIPT FOR PLEDGED PROPERTY — CONTENTS — DEFINITIONS — THIRD-PARTY CHARGE FOR DATABASE — ACCESS TO DATABASE INFORMATION, LIMITATIONS — ERROR IN DATA, PROCEDURE — LOSS OF PAWN TICKET, EFFECT. — 1. At the time of making any secured personal credit loan, the lender shall execute and deliver to the borrower a receipt for and describing the tangible personal property subjected to the security interest to secure the payment of the loan. The receipt shall contain the following:

(1) The name and address of the pawnshop;

(2) The name and address of the pledgor, the pledgor's description, and the driver's license number, military identification number, identification certificate number, or other official number capable of identifying the pledgor;

(3) The date of the transaction;

(4) An identification and description of the pledged goods, including serial numbers if reasonably available;

(5) The amount of cash advanced or credit extended to the pledgor;

(6) The amount of the pawn service charge;

(7) The total amount which must be paid to redeem the pledged goods on the maturity date;

(8) The maturity date of the pawn transaction; and

(9) A statement to the effect that the pledgor is not obligated to redeem the pledged goods, and that the pledged goods may be forfeited to the pawnbroker sixty days after the specified maturity date.

2. The pawnbroker may be required, in accordance with local ordinances, to furnish appropriate law enforcement authorities with copies of information contained in subdivisions (1) to (4) of subsection 1 of this section and information contained in subdivision (6) of subsection 4 of section 367.040. The pawnbroker may satisfy such requirements by transmitting such information electronically to a database in accordance with this section, except that paper copies shall be made available for an on-site inspection upon request of any appropriate law enforcement authority.

3. As used in this section, the following terms mean:

(1) "Database", a computer database established and maintained by a third party engaged in the business of establishing and maintaining one or more databases;

(2) "Permitted user", persons authorized by law enforcement personnel to access the database;

(3) "Reportable data", the information required to be recorded by pawnbrokers for pawn transactions pursuant to subdivisions (1) to (4) of subsection 1 of this section and the information required to be recorded by pawnbrokers for purchase transactions pursuant to subdivision (6) of subsection 4 of section 367.040;

(4) "Reporting pawnbroker", a pawnbroker who chooses to transmit reportable data electronically to the database;

(5) "Search", the accessing of a single database record.

4. The database shall provide appropriate law enforcement officials with the information contained in subdivisions (1) to (4) of subsection 1 of this section and other useful information to facilitate the

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investigation of alleged property crimes while protecting the privacy rights of pawnbrokers and pawnshop customers with regard to their transactions.

5. The database shall contain the pawn and purchase transaction information recorded by reporting pawnbrokers pursuant to this section and section 367.040 and shall be updated as requested. The database shall also contain such security features and protections as may be necessary to ensure that the reportable data maintained in the database can only be accessed by permitted users in accordance with the provisions of this section.

6. The third party's charge for the database shall be based on the number of permitted users. Law enforcement agencies shall be charged directly for access to the database, and the charge shall be reasonable in relation to the costs of the third party in establishing and maintaining the database. No reporting pawnbroker or customer of a reporting pawnbroker shall be charged any costs for the creation or utilization of the database.

7. (1) The information in the database shall only be accessible through the internet to permitted users who have provided a secure identification or access code to the database but shall allow such permitted users to access database information from any jurisdiction transmitting such information to that database. Such permitted users shall provide the database with an identifier number of a criminal action for which the identity of the pawn or purchase transaction customer is needed and a representation that the information is connected to an inquiry or to the investigation of a complaint or alleged crime involving goods delivered by that customer in that transaction. The database shall record, for each search, the identity of the permitted user, the pawn or purchase transaction involved in the search, and the identity of any customer accessed through the search. Each search record shall be made available to other permitted users regardless of their jurisdiction. The database shall enable reporting pawnbrokers to transmit to the database through the internet reportable data for each pawn and purchase transaction.

(2) Any person who gains access to information in the database through fraud or false pretenses shall be guilty of a class D felony.

8. Any pawnbroker licensed under section 367.043 shall meet the following requirements:

(1) Provide all reportable data to appropriate users by transmitting it through the internet to the database;

(2) Transmit all reportable data for one business day to the database prior to the end of the following business day;

(3) Make available for on-site inspection to any appropriate law enforcement official, upon request, paper copies of any pawn or purchase transaction documents.

9. If a reporting pawnbroker or permitted user discovers any error in the reportable data, notice of such error shall be given to the database, which shall have a period of thirty days in which to correct the error. Any reporting pawnbroker experiencing a computer malfunction preventing the transmission of reportable data or receipt of search requests shall be allowed a period of at least thirty but no more than sixty days to repair such malfunction, and during such period such pawnbroker shall not be deemed to be in violation of this section if good faith efforts are made to correct the malfunction. During the periods specified in this subsection, the reporting pawnbroker and permitted user shall arrange an alternative method or methods by which the reportable data shall be made available.

10. No reporting pawnbroker shall be obligated to incur any cost, other than internet service costs, in preparing, converting, or delivering its reportable data to the database.

11. If the pawn ticket is lost, destroyed, or stolen, the pledgor may so notify the pawnbroker in writing, and receipt of such notice shall invalidate such pawn ticket, if the pledged goods have not previously been redeemed. Before delivering the pledged goods or issuing a new pawn ticket, the pawnbroker shall require the pledgor to make a written affidavit of the loss, destruction or theft of the ticket. The pawnbroker shall record on the written statement the identifying information required, the date the statement is given, and the number of the pawn ticket lost, destroyed, or stolen. The affidavit

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shall be signed by a notary public appointed by the secretary of state pursuant to ~~section 486.205~~
chapter 486 to perform notarial acts in this state.

442.145. PERSONAL APPEARANCE, ACKNOWLEDGEMENT BY COMMUNICATION TECHNOLOGY. — 1. For the purposes of sections 442.150 to 442.360, a person may personally appear before the officer taking the acknowledgment by:

(1) Being in the same physical location as another person and close enough to see, hear, communicate with, and exchange tangible identification credentials with that individual; or

(2) Interacting with another individual by means of communication technology that complies with the provisions of sections 486.600 to 486.1205.

2. The acknowledging officer shall designate in the acknowledgment form, as provided in section 442.210, whether the principal personally appeared before the officer pursuant to subdivision (1) or (2) of subsection 1 of this section. In cases of a personal appearance under subdivision (2) of subsection 1 of this section, it shall be deemed in compliance with sections 442.150 to 442.360 if the acknowledging officer amends the acknowledgment form to read "before me personally appears by means of communication of technology".

486.600. DEFINITIONS. — As used in this chapter, the following terms and phrases mean:

(1) "Acknowledgment", a notarial act in which an individual at a single time and place:

(a) Appears in person before the notary and presents a document;

(b) Is personally known to the notary or identified by the notary through satisfactory evidence; and

(c) Indicates to the notary that the signature on the document was voluntarily affixed by the individual for the purposes stated within the document and, if applicable, that the individual had due authority to sign in a particular representative capacity;

(2) "Affirmation", a notarial act, or part thereof, that is legally equivalent to an oath and in which an individual at a single time and place:

(a) Appears in person before the notary;

(b) Is personally known to the notary or identified by the notary through satisfactory evidence; and

(c) Makes a vow of truthfulness or fidelity on penalty of perjury, based on personal honor and without invoking a deity or using any form of the word "swear";

(3) "Commission", both the granting of authority to perform notarial acts and the written evidence of the granting of authority to perform such acts;

(4) "Copy certification", a notarial act in which a notary:

(a) Locates or is presented with a paper or an electronic document that is not a vital record, a public record, or a recorded document;

(b) Compares the document with a second paper or electronic document that is:

a. Presented to the notary;

b. Located by the notary; or

c. Copied from the first document by the notary; and

(c) Confirms through a visual or electronic comparison that the second document is an identical, exact, and complete copy of the image or text and, if applicable, metadata of the first document;

(5) "County", any of the several counties of this state or the city of St. Louis;

(6) "County clerk", any of the several county clerks of this state or the clerk of the circuit court in the city of St. Louis;

(7) "Credible witness", an honest, reliable, and impartial person who personally knows an individual appearing before a notary and takes an oath or affirmation from the notary to vouch for that individual's identity;

(8) "Journal of notarial acts" and "journal", a permanently bound book to create and preserve a chronological record of notarizations that is maintained by the notary public who performed the same notarizations;

(9) "Jurat", a notarial act in which an individual at a single time and place:

(a) Appears in person before the notary and presents a document;

(b) Is personally known to the notary or identified by the notary through satisfactory evidence;

(c) Signs the document in the presence of the notary; and

(d) Takes an oath or affirmation from the notary vouching for the truthfulness or accuracy of the signed document;

(10) "Notarial act" and "notarization", any official act of certification, attestation, or administration that a notary public is empowered to perform pursuant to this chapter;

(11) "Notarial certificate" and "certificate", the part of, or attachment to, a notarized document that, in the performance of the notarization, is completed by the notary, bears the notary's official signature and seal, and states the date, venue, and facts attested by the notary in the particular notarial act;

(12) "Notary public" and "notary", any person commissioned to perform notarial acts pursuant to this chapter;

(13) "Oath", a notarial act, or part thereof, that is legally equivalent to an affirmation and in which an individual at a single time and place:

(a) Appears in person before the notary;

(b) Is personally known to the notary or identified by the notary through satisfactory evidence; and

(c) Makes a vow of truthfulness or fidelity on penalty of perjury while invoking a deity or using any form of the word "swear";

(14) "Official misconduct":

(a) A notary's performance of any act prohibited, or failure to perform any act or duty mandated, by this chapter or by any other law in connection with a notarial act; or

(b) A notary's performance of an official act or duty in a manner that is negligent, contrary to established norms of sound notarial practice, or against the public interest;

(15) "Official seal":

(a) A device authorized by the secretary for affixing on a paper notarial certificate an image containing a notary's name, title, jurisdiction, commission expiration date, and other information related to the notary's commission; or

(b) The affixed image itself;

(16) "Official signature", a handwritten signature made by a notary that uses the exact name appearing in the notary's commission and is signed with the intent to perform a notarial act;

(17) "Personal knowledge of identity" and "personally knows", familiarity with an individual resulting from interactions with that individual over a period of time sufficient to dispel any reasonable uncertainty that the individual has the identity claimed;

(18) "Principal":

(a) A person whose signature is notarized; or

(b) A person, other than a credible witness, taking an oath or affirmation from the notary;

(19) "Regular place of work or business", a stationary office or workspace where one spends all or some of one's working or business hours;

(20) "Requester of fact", a person who asks the notary public to perform a copy certification;

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(21) "Satisfactory evidence", evidence of identification of an individual based on:

(a) At least one current document issued by a federal, state, or tribal government in a language understood by the notary and bearing the photographic image of the individual's face and signature and a physical description of the individual, or a properly stamped passport without a physical description; or

(b) The oath or affirmation of one credible witness disinterested in the document or transaction who is personally known to the notary and who personally knows the individual, or of two credible witnesses disinterested in the document or transaction who each personally knows the individual and shows to the notary documentary identification as described in paragraph (a) of this subdivision;

(22) "Secretary", the secretary of state for the state of Missouri;

(23) "Signature witnessing", a notarial act in which an individual at a single time and place:

(a) Appears in person before the notary and presents a document;

(b) Is personally known to the notary or identified by the notary through satisfactory evidence; and

(c) Signs the document in the presence of the notary.

486.605. NOTARY COMMISSION ISSUED, QUALIFICATIONS — DENIAL OF APPLICATION, WHEN, APPEAL — RULEMAKING AUTHORITY. — 1. Except as otherwise provided in subsection 3 of this section, the secretary shall issue a notary commission to any person who is qualified under subsection 2 of this section and who submits an application in accordance with this chapter.

2. In order to be qualified for a notary commission a person shall:

(1) Be at least eighteen years of age;

(2) Reside or have a regular place of work or business in the state of Missouri;

(3) Reside legally in the United States;

(4) Read and write English; and

(5) Pass the examination required in section 486.630.

3. (1) An applicant who is not a resident of the state may qualify to be a notary if he or she works in Missouri and will use the notary seal in the course of his or her employment in Missouri.

(2) Applicants qualifying as a nonresident notary shall authorize the secretary as the agent and representative of such person to accept service of any process or service of any notice or demand required or permitted by law to be served upon such person.

4. The secretary may deny an application based on:

(1) Submission of an application containing a material misstatement or omission of fact;

(2) The fact that the applicant has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, of any felony or any offense involving dishonesty or moral turpitude, provided that a commission shall not be issued to the applicant within five years after such conviction or plea;

(3) A finding or admission of liability against the applicant in a civil lawsuit based on the applicant's deceit;

(4) Revocation, suspension, restriction, or denial of a notarial commission or professional license by this or any other state or nation, provided that a commission shall not be issued to the applicant within five years after such disciplinary action; or

(5) An official finding that the applicant has previously engaged in official misconduct, regardless of whether disciplinary action resulted.

5. An applicant may appeal the denial of an application by filing the form required by the secretary pursuant to subsection 6 of this section with the secretary within thirty days after denial, except an applicant may not appeal if the secretary, within five years prior to the application, has:

(1) Denied or revoked for disciplinary reasons any previous application, commission, or license of the applicant; or

(2) Made a finding pursuant to section 486.810 that grounds for revocation of the applicant's commission existed.

6. The secretary shall promulgate rules providing for appeals from denials of applications, subject to the limitations in section 486.830.

486.610. NOTARY, TERM OF COMMISSION — GRANDFATHER PROVISION. — 1. A person commissioned as a notary may perform notarial acts in any part of this state, and only in this state, for a term of four years, unless the commission is earlier revoked under section 486.810 or resigned under section 486.790.

2. The existing bond, seal, length of commission term, and liability of current notaries commissioned before August 28, 2020, shall not be invalidated, modified, or terminated by this chapter, but notaries shall comply with this chapter beginning August 28, 2020, in performing notarizations and in applying for new commissions.

486.615. COMMISSION EFFECTIVE, WHEN, BOND AMOUNT — SURETY DUTIES — SUSPENSION OF COMMISSION, WHEN. — 1. A notary commission shall not become effective until an oath of office and a ten thousand dollar bond have been presented to the county clerk of the county in which a person has been commissioned. The bond shall be executed by a licensed Missouri surety, for a term of four years commencing on the commission's issue date and terminating on its expiration date, with payment of bond funds to any person conditioned upon the notary's official misconduct.

2. The surety for a notary bond shall report all claims against the bond to the secretary.

3. If a notary bond has been exhausted by claims paid out by the surety, the secretary shall suspend the notary's commission until:

(1) A new bond is obtained by the notary; and

(2) The notary's fitness to serve the remainder of the commission term is determined by the secretary.

486.620. SECRETARY TO PREPARE NOTARY COMMISSION, DUTIES — REGISTER OF NOTARIES. — 1. The secretary shall prepare a notary commission and forward the commission to the county clerk in the county of the applicant's residence or regular place of work or business.

2. Upon issuing a notary commission, the secretary shall:

(1) Notify the notary that he or she shall present the required bond to the county clerk;

(2) Provide an oath with the commission to be taken by the notary in the presence of the county clerk or their designee, within sixty days of the commission issue date;

(3) Require the oath and bond to be mailed by the notary to the secretary's office with a postmarked date not exceeding seven days from the date of the oath; and

(4) Once the oath and bond have been received, examined, and approved, update the notary's commissioned status.

3. Any commission issued that fails to qualify within sixty days shall be marked by the county clerk as not qualified and shall be returned to the secretary within fifteen days.

4. Any notary who fails to qualify within the sixty days may be required to reapply for a notary commission.

5. The county clerk shall keep a register of each person to whom they award a notary commission, as prescribed by the secretary.

486.625. APPLICATION, PROCEDURE. — 1. Every application for a notary commission shall be made in a paper or electronic format established by the secretary and shall include all information required by section 486.630 and any other information as the secretary may deem appropriate.

2. A current or former notary applying for a new notary commission shall submit a new completed application and comply anew with all of the provisions of this section and sections 486.605 and 486.615.

486.630. APPLICATION, CONTENTS — DECLARATION — APPLICATION FEE. — 1. The application for a notary commission shall state or include, at least:

- (1)** The applicant's date of birth;
- (2)** The applicant's residence address and telephone number;
- (3)** The applicant's regular place of work or business address and telephone number, the mailing address of the regular place of work or business, if different, and the name of the applicant's employer, if any;
- (4)** The applicant's county of residence or regular place of work or business;
- (5)** A declaration that the applicant is a citizen of the United States or proof of the applicant's legal residency in the country;
- (6)** A declaration that the applicant can read and write English;
- (7)** All issuances, denials, revocations, suspensions, restrictions, and resignations of a notarial commission, professional license, or public office involving the applicant in this or any other state or nation;
- (8)** All criminal convictions of the applicant, including any pleas of guilt or nolo contendere, in this or any other state or nation; and
- (9)** All claims pending or disposed against a notary bond held by the applicant and all civil findings or admissions of fault or liability regarding the applicant's activities as a notary in this or any other state or nation.

2. Every applicant for a notary commission shall sign the following declaration:

Declaration of Applicant

I, (name of applicant), do solemnly swear or affirm under penalty of perjury that the personal information in this application is true, complete, and correct; that I understand the official duties and responsibilities of a Notary Public in Missouri, as explained in the notary public handbook; and that I will perform, to the best of my ability, all notarial acts in accordance with the law.

..... (signature of applicant)

3. Every applicant for a notary commission shall:

- (1)** Attest to having read the Missouri notary public handbook or having received training in a manner prescribed by the secretary; and
- (2)** Receive a score of eighty percent or better on an examination administered by the secretary prior to being issued a commission.

4. The content of the training and the basis for the written examination required by subsection 3 of this section shall be based on notarial laws, procedures, and ethics.

5. Every applicant for a notary commission shall pay to the state of Missouri a nonrefundable application fee as stated in section 28.160.

486.635. APPLICATION RECORDS, LIMITATIONS ON DISCLOSURE. — 1. Records containing the information required by subdivision (7) of subsection 1 of section 486.630 shall be used by the secretary and his or her designated employees only for the purpose of performing official duties provided for in this chapter and shall not be disclosed to any person other than:

(1) A government agent acting in an official capacity and duly authorized to obtain such information;

(2) A person authorized by court order; or

(3) The applicant or the applicant's duly authorized agent.

2. Records containing the information required by subdivision (7) of subsection 1 of section 486.630 shall be a closed record as defined in chapter 610 and subject to redaction as required in chapter 610.

486.640. NOTARIAL ACTS AUTHORIZED TO BE PERFORMED BY NOTARY. — A notary may perform the following notarial acts:

(1) Acknowledgments;

(2) Oaths and affirmations;

(3) Jurats;

(4) Signature witnessings;

(5) Copy certifications; and

(6) Any other act authorized by the laws of Missouri.

486.645. LIMITATION ON NOTARIAL ACTS, PRINCIPAL REQUIREMENTS — DISQUALIFICATION OF NOTARY, WHEN — NONNOTARIAL FEE PERMITTED, WHEN. — 1. A notary shall perform a notarial act only if the principal:

(1) Is in the presence of the notary at the time of notarization;

(2) Is personally known to the notary or identified by the notary through satisfactory evidence;

(3) Appears to understand the nature of the transaction requiring a notarial act;

(4) Appears to be acting of his or her own free will;

(5) Signs using letters or characters of a language that is understood by the notary; and

(6) Communicates directly with the notary in a language both understand.

2. A notary may certify the affixation of a signature by mark by a principal on a document presented for notarization if:

(1) The mark is affixed in the presence of the notary and two witnesses disinterested in the document;

(2) Both witnesses sign their own names beside the mark;

(3) The notary writes below the mark: "Mark affixed by (name of signer by mark) in the presence of (names and addresses of two witnesses) and the undersigned notary pursuant to section 486.645, RSMo"; and

(4) The notary notarizes the signature by mark through an acknowledgment, jurat, or signature witnessing.

3. A notary shall be disqualified from performing a notarial act if the notary:

(1) Is a party to or named in the document that is to be notarized;

(2) Will receive as a direct or indirect result any commission, fee, advantage, right, title, interest, cash, property, or other consideration exceeding in value the fees specified in section 486.685; or

(3) Is a spouse, domestic partner, ancestor, descendant, or sibling of the principal, including in-law, step, and half relatives.

4. Notwithstanding subdivision (2) of subsection 3 of this section to the contrary, a notary may collect a nonnotarial fee for services as a signing agent if payment of such fee is not contingent upon the signing, initialing, or notarization of any document.

486.650. REFUSAL TO PERFORM NOTARIAL ACT PROHIBITED, WHEN — EXCEPTIONS. —

1. A notary shall not refuse to perform a notarial act based on the characteristics protected from employment discrimination pursuant to section 213.055.

2. A notary shall perform any notarial act described in section 486.640 for any person requesting such a notarial act who tenders the appropriate fee specified in section 486.685, unless:

(1) The notary knows or has a reasonable belief that the notarial act or the associated transaction is unlawful;

(2) The notarial act is prohibited in section 486.645 or subsection 1 of this section;

(3) The number or timing of the requested notarial act or acts practicably precludes completion at the time of the request, in which case the notary shall arrange for later completion of the requested act or acts without unreasonable delay; or

(4) In the case of a request to perform an electronic notarial act, the notary is not registered to notarize electronically in accordance with sections 486.900 to 486.1010.

486.655. NOTARY NOT TO INFLUENCE PERSON ON TRANSACTION — NOTARY NOT TO INVESTIGATE DOCUMENT OR TRANSACTION. — 1. Except as otherwise provided in subsection 2 of section 486.650, a notary shall not influence a person either to enter into or avoid a transaction involving a notarial act by the notary.

2. A notary commission shall not authorize the notary to investigate, ascertain, or attest to the lawfulness, propriety, accuracy, or truthfulness of a document or transaction involving a notarial act.

486.660. PROHIBITED ACTS. — A notary shall not:

(1) Execute a notarial certificate containing information known or believed by the notary to be false;

(2) Affix an official signature or seal on a notarial certificate that is incomplete;

(3) Affix an official signature or seal on a notarial certificate other than at the time of notarization and in the presence of the principal; or

(4) Provide or send a signed or sealed notarial certificate to another person with the understanding that it will be completed or attached to a document outside of the notary's presence.

486.665. SIGNATURES AND PHOTOGRAPHS, PROHIBITED ACTS. — 1. A notary shall not notarize a signature:

(1) On a blank or incomplete document; or

(2) On a document without notarial certificate wording.

2. A notary shall neither certify nor authenticate a photograph.

486.670. INTENT TO DECEIVE OR DEFRAUD PROHIBITED — PROHIBITED USES OF TITLE OR SEAL. — 1. A notary shall not perform any notarial act with the intent to deceive or defraud.

2. A notary shall not use the official notary title or seal to endorse, promote, denounce, or oppose any product, service, contest, candidate for political office, ballot measure for any election, or other offering.

486.675. NONATTORNEY NOTARIES, PROHIBITED ACTS. — 1. A notary who is not an attorney shall not assist another person in drafting, completing, selecting, or understanding a document or transaction requiring a notarial act.

2. Subsection 1 of this section shall not preclude a notary who is duly qualified, trained, licensed, or experienced in a particular industry or professional field from selecting, drafting,

completing, or advising on a document or certificate related to a matter within that industry or field.

486.680. LIMITATION ON NOTARY MAKING ANY CLAIM NOT AUTHORIZED — NONATTORNEY NOTARIES, SERVICES NOT IN ENGLISH, NOTICE REQUIRED — PROHIBITED NON-ENGLISH TERMS — 1. A notary shall not claim to have powers, qualifications, rights, or privileges that are not provided under this chapter, including the power to counsel on immigration issues.

2. A notary who is not an attorney who advertises notarial services in a language other than English shall include in the advertisement, notice, letterhead, or sign the following, prominently displayed in the same language:

(1) The statement: "I am not an attorney and have no authority to give advice on immigration or other legal matters"; and

(2) The fees for notarial acts specified in section 486.685.

3. A notary may not use the term "notario publico" or any equivalent non-English term in any business card, advertisement, notice, or sign.

486.685. FEES.— 1. For performing a notarial act, a notary may charge the maximum fee specified in this section, charge less than the maximum fee, or waive the fee.

2. The maximum fees that may be charged by a notary for performing notarial acts are:

(1) For an acknowledgment, five dollars per signature;

(2) For a jurat, five dollars per signature;

(3) For a signature witnessing, five dollars per signature;

(4) For a certified copy, one dollar per page certified with a minimum total charge of three dollars; and

(5) For an electronic notarization, as specified in section 486.960.

3. A notary may charge a travel fee to perform a notarial act if:

(1) The notary and the person requesting the notarial act agree upon the travel fee in advance of the travel; and

(2) The notary explains to the person requesting the notarial act that the travel fee is both separate from the notarial fee prescribed in subsection 2 of this section and neither specified nor mandated by law.

4. A notary shall not discriminate in the charging of fees for a notarial act based on the characteristics of the principal or requester of fact as set forth in subsection 1 of section 486.650, though a notary may waive or reduce fees for humanitarian or charitable reasons.

5. A notary shall not charge a fee for notarizing the signature on any absentee ballot or absentee voter registration.

6. A notary who charges for his or her notarial services shall conspicuously display in their regular place of work or business, or present to each principal outside their regular place of work or business, an English-language schedule of fees for notarial acts, as specified in this section. No part of any notarial fee schedule shall be printed in smaller than twelve-point type.

486.690. FEES, PAYMENT PRIOR TO SERVICES — NONREFUNDABLE, WHEN. — 1. A notary may require payment of any fees specified in section 486.685 prior to performance of a notarial act.

2. Any fees paid to a notary prior to performance of a notarial act shall be nonrefundable if:

(1) The notarial act was completed; or

(2) In the case of travel fees paid in compliance with subsection 3 of section 486.685, the notarial act was not completed after the notary traveled to meet the principal because it was

prohibited pursuant to section 486.645, or because the notary knew or had a reasonable belief that the notarial act or the associated transaction was unlawful.

486.695. NOTARY'S EMPLOYER MAY PROHIBIT CHARGING OF FEES, WHEN. — 1. An employer may prohibit an employee who is a notary from charging for notarial acts performed on the employer's time, but shall not discriminate in the charging of fees based on the characteristics of the principal as set forth in subsection 1 of section 486.650.

2. A private employer shall not require an employee who is a notary to surrender or share fees charged for any notarial acts.

3. A governmental employer who has absorbed an employee's costs in becoming or operating as a notary shall require any fees for notarial acts performed on the employer's time either to be waived or surrendered as revenue of the employing governmental agency.

486.700. JOURNAL TO BE MAINTAINED, REQUIREMENTS. — 1. A notary shall keep, maintain, protect, and provide for lawful inspection a chronological journal of notarial acts that is a permanently bound book with numbered pages.

2. A notary shall maintain only one active permanently bound journal at the same time.

3. A notary shall keep the permanently bound journal for a period of no less than ten years from the date of the last entry.

486.705. JOURNAL CONTENTS. — 1. For every notarial act, the notary shall record in the journal at the time of notarization the following:

(1) The date and time of day of the notarial act;

(2) The type of notarial act;

(3) The type, title, or a description of the document or proceeding;

(4) The signature, printed name, and address of each principal;

(5) The printed name and address of each requester of fact;

(6) The evidence of identity of each principal in the form of either:

(a) A statement that the person is personally known to the notary;

(b) A notation of the type of identification document, its issuing agency, its serial or identification number, and its date of issuance or expiration; or

(c) The handwritten signature and the name and address of each credible witness swearing or affirming to the principal's identity, and for credible witnesses who are not personally known to the notary, a description of the identification documents relied on by the notary;

(7) The fee, if any, charged for the notarial act; and

(8) The address where the notarial act was performed, if not the address of the notary's regular place of work or business.

2. A notary shall not record a Social Security number or credit card number in the journal.

3. A notary may record in the journal the circumstances for not performing or completing any requested notarial act.

4. As required in subdivision (4) of subsection 2 of section 486.745, a notary shall append to the pertinent entry in the journal a notation of the nature and date of the notary's correction of a completed notarial certificate corresponding to the entry.

486.710. EXAMINATION AND COPYING OF JOURNAL — FEE FOR CERTIFIED COPY, EXCEPTION. — 1. The journal may be examined and copied without restriction by a law enforcement officer in the course of an official investigation, subpoenaed by court order, pursuant to subpoena power as authorized by law, or surrendered at the direction of the secretary. Nothing in this section shall prevent a notary public from seeking appropriate judicial protective orders.

2. Upon complying with a request for copies pursuant to subsection 1 of this section, the notary shall charge not more than one dollar per copy. If a certified copy is requested, the fee shall be as specified in section 486.685.

3. A notary public shall, upon written request, furnish to the secretary certified copies of the notary's journal without cost.

486.715. SAFEGUARDING OF JOURNAL, REQUIREMENTS. — 1. A notary shall safeguard his or her journal and all other notarial records and surrender or destroy them only by court order or at the direction of the secretary.

2. If not in use, the journal shall be kept in a secure area under the exclusive control of the notary and shall not be used by any other notary, nor surrendered to an employer upon termination of employment.

3. Within ten days after a notary's journal is discovered to be stolen, lost, destroyed, damaged, or otherwise rendered unusable or unreadable, the notary, after informing the appropriate law enforcement agency in the case of theft or vandalism, shall notify the secretary by any means providing a tangible receipt, including certified mail and electronic transmission, and also provide a copy or identification number of any pertinent police report.

4. Upon resignation, revocation, or expiration of a notary commission, or death of the notary, the journal and notarial records shall be delivered to the secretary in accordance with section 486.795 or section 486.800 by any means providing a tangible receipt, including certified mail and electronic transmission.

486.725. PAPER DOCUMENTS, NOTARIZING — SIGNATURE AND SEAL — LOST OR STOLEN SEAL — RESIGNATION, EXPIRATION, OR DEATH OF NOTARY, EFFECT OF — REVOCATION, RETURN OF SEAL. — 1. In notarizing a paper document, a notary public shall affix an official signature and an official seal on the notarial certificate at the time the notarial act is performed.

2. The official seal of a notary shall not be used for any purpose other than performing notarial acts.

3. The official seal of a notary shall:

- (1) Be the exclusive property of the notary;
- (2) Not be affixed by any other person;
- (3) Be kept secure and accessible only to the notary; and
- (4) Not be surrendered to an employer upon termination of employment.

4. Within ten days after the official seal of a notary is discovered to be stolen, lost, damaged, or otherwise rendered incapable of affixing a legible image, the notary, after informing the appropriate law enforcement agency in the case of theft or vandalism, shall notify the secretary by any means providing a tangible receipt, including certified mail and electronic transmission, and also provide a copy or number of any pertinent police report. Upon receipt of such notice, the secretary shall issue to the notary a new commission that shall be presented to a seal vendor in accordance with section 486.735.

5. As soon as reasonably practicable after resignation, or expiration of a notary commission, or death of the notary, the seal shall be destroyed or defaced so that it may not be misused.

6. For a commission that has been revoked, the notary shall forward their seal to the secretary's office for disposal. Failure to do so may be punishable by a fine of five hundred dollars, at the discretion of the secretary.

486.730. OFFICIAL SEAL, PLACEMENT OF, ELEMENTS. — 1. Near the notary's official signature on each paper notarial certificate, the notary shall affix a sharp, legible, permanent,

and photographically reproducible image of the official seal that shall include the following elements:

- (1) The notary's name exactly as stated on the commission;
 - (2) The identification number of the notary's commission;
 - (3) The words "Notary Public", "Notary Seal", and "State of Missouri" and "My commission expires (commission expiration date)"; and
 - (4) A border in a rectangular or circular shape no larger than one sixteenth of an inch, surrounding the required words.
2. Illegible information within a seal impression may be typed or printed legibly by the notary adjacent to but not within the impression, or another impression may be legibly affixed nearby.
3. An embossed seal impression that is not photographically reproducible may be used in addition to, but not in place of, the official seal described in subsection 1 of this section.
4. A seal as described in subsection 1 of this section shall not be affixed over printed or written matter.

486.735. SELLING OR MANUFACTURING NOTARY SEALS, REGISTRATION REQUIRED — REQUIREMENTS FOR SALE OR MANUFACTURE — VIOLATION, PENALTY. — 1. A vendor or manufacturer shall register with the secretary prior to selling or manufacturing notary seals. The secretary shall maintain an internet site for the purpose of allowing vendors and manufacturers to confirm the current standing of any notary in the state.

2. A vendor or manufacturer shall not provide a notary seal to a purchaser claiming to be a notary, unless the purchaser presents a notary commission issued by the secretary, and unless:

(1) In the case of a purchaser appearing in person, the vendor or manufacturer identifies this individual as the person named in the commission, through either personal knowledge or satisfactory evidence of identity; or

(2) In the case of a purchaser ordering a seal by mail or delivery service, the vendor or manufacturer confirms the notary's standing as a commissioned notary through the internet site.

3. For each commission, a vendor or manufacturer shall make or sell only one seal and, if requested by the person presenting the commission, only one embossing seal.

4. After manufacturing or providing a notary seal, the vendor shall affix an image of all seals on a form as prescribed by the secretary and, within seven business days, send the completed form to the secretary, retaining a copy of the form and the commission for a period of five years.

5. A notary obtaining a seal as a result of a name change shall present a copy of the confirmation of notary's name or address change from the secretary in accordance with sections 486.780 and 486.785.

6. A vendor or manufacturer who fails to comply with this section shall be subject to a fine of one thousand dollars for each violation. For multiple violations, a vendor's permission to sell or manufacture notary seals may be withdrawn by the secretary. Such violation shall not preclude the civil liability of the vendor to parties injured by the vendor's failure to comply with this section.

486.740. NOTARIAL CERTIFICATE REQUIRED, CONTENTS, FORM.— 1. For every notarial act involving a document, a notary shall properly complete a notarial certificate that contains or states:

- (1) The official signature of the notary, in accordance with section 486.725;
- (2) An impression of the official seal of the notary, in accordance with section 486.725;
- (3) The venue of the notarial act where the notary is located, including the name of this state and of the pertinent county;
- (4) The date of the notarial act; and

(5) The facts and particulars attested by the notary in performing the respective notarial act.

2. A notarial certificate shall be sufficient for a particular notarial act only if it meets the requirements of subsection 1 of this section and is in a form that:

- (1) Is set forth for that act in this chapter;
- (2) Is otherwise prescribed for that act by the laws of this state;
- (3) Is prescribed for that act by a law, regulation, or custom of another jurisdiction, provided it does not require actions by the notary that are unauthorized by the laws of this state; or
- (4) Describes the actions of the notary in such a manner as to meet the requirements of the particular notarial act.

3. A notarial certificate shall be worded and completed using only letters, characters, and a language that are read, written, and understood by the notary.

486.745. PAPER NOTARIAL CERTIFICATES, REQUIREMENTS — CORRECTION OR ERRORS OR OMISSIONS, WHEN. — 1. A paper notarial certificate that is attached to a document during the notarization of the signature of a principal shall:

- (1) Be attached by staple or other method that leaves evidence of any subsequent detachment;
- (2) Be attached, signed, and sealed only by the notary and only at the time of notarization and in the presence of the principal;
- (3) Be attached immediately following the signature page if the certificate is the same size as that page, or to the front of the signature page if the certificate is smaller; and
- (4) Contain all of the elements described in section 486.740 on the same sheet of paper.

2. A notary may correct an error or omission made by that notary in a notarial certificate if:

- (1) The original certificate and document are returned to the notary;
- (2) The notary verifies the error by reference to the pertinent journal entry, the document itself, or to other determinative written evidence;
- (3) The notary legibly corrects the certificate and initials and dates the correction in ink, or replaces the original certificate with a correct certificate; and
- (4) The notary appends to the pertinent journal entry a notation regarding the nature and date of the correction.

486.750. FORM OF CERTIFICATE. — A notary shall use a certificate in substantially the following form in notarizing the signature or mark of any person acknowledging on his or her own behalf or as a partner, corporate officer, attorney in fact, or in any other representative capacity:

State of Missouri

County (and/or City) of

On this day of, 20...., before me, the undersigned notary, personally appeared
 (name of document signer), (personally known to me)(proved to me through identification documents, which were)(proved to me on the oath or affirmation of, who is personally known to me and stated to me that (he)(she) personally knows the document signer and is unaffected by the document,)(proved to me on the oath or affirmation of and, whose identities have been proven to me through identification documents and who have stated to me that they personally know the document signer and are unaffected by the document,) to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he)(she) signed it voluntarily for its stated purpose(.)
 (as partner for, a partnership.)
 (as for, a corporation.)

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
 Matter in bold-face type is proposed language.

(as attorney in fact for, the principal.)
(asfor, (a)(the))
..... (official signature and seal of notary)

486.755. JURAT CERTIFICATE FORM. — A notary shall use a jurat certificate in substantially the following form in notarizing a signature or mark on an affidavit or other sworn or affirmed written declaration:

State of Missouri
County (and/or City) of
On this day of, 20...., before me, the undersigned notary, personally appeared
(name of document signer), (personally known to me) (proved to me through identification documents, which were), (proved to me on the oath or affirmation of, who is personally known to me and stated to me that (he)(she) personally knows the document signer and is unaffected by the document,) (proved to me on the oath or affirmation of and), whose identities have been proven to me through identification documents and who have stated to me that they personally know the document signer and are unaffected by the document,) to be the person who signed the preceding or attached document in my presence and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of (his)(her) knowledge and belief.
..... (official signature and seal of notary)

486.760. SIGNATURE FORM. — A notary shall use a certificate in substantially the following form in notarizing a signature or mark to confirm that it was affixed in the notary's presence without administration of an oath or affirmation:

State of Missouri
County (and/or City) of
On this day of, 20...., before me, the undersigned notary, personally appeared (name of document signer), (personally known to me) (proved to me through identification documents, which were), (proved to me on the oath or affirmation of, who is personally known to me and stated to me that (he)(she) personally knows the document signer and is unaffected by the document,) (proved to me on the oath or affirmation of and), whose identities have been proven to me through identification documents and who have stated to me that they personally know the document signer and are unaffected by the document,) to be the person who signed the preceding or attached document in my presence.
..... (official signature and seal of notary)

486.765. CERTIFIED COPY FORM. — A notary shall use a certificate in substantially the following form in notarizing a certified copy:

State of Missouri
County (and/or City) of
On this day of, 20....,
I certify that the (attached or following paper document) (affixed, attached, or logically associated electronic document) has been (visually) (electronically) confirmed by me to be a true, exact, and complete copy of the image (or text) (and metadata) of (description of original document), (presented/e-mailed to me by), (found by me (online) at), (held in my custody as a notarial record,) and that, to the best of my knowledge, the copied document is neither a vital record, a public record, nor a publicly recordable

document, certified copies of which may be available from an official source other than a notary.

..... (official signature and seal of notary)

486.770. NOTARIZED DOCUMENT SENT OUT OF STATE OR COUNTRY, FORM — CERTIFICATE OF AUTHORITY FORM — APOSTILLE FORM, FEE. — 1. On a notarized document sent to another state or nation, evidence of the authenticity of the official seal and signature of a notary commissioned pursuant to this chapter, if required, shall be in the form of:

(1) A certificate of authority from the secretary, authenticated as necessary by additional certificates from United States or foreign government agencies; or

(2) In the case of a notarized document to be used in a nation that has signed and ratified the Hague Convention Abolishing the Requirement of Legalization for Foreign Public Documents of October 5, 1961, an apostille from the secretary or other federally designated official in the form prescribed by the Convention and described in subsection 3 of this section, with no additional authenticating certificates required.

2. A certificate of authority evidencing the authenticity of the official seal and signature of a notary commissioned pursuant to this chapter shall be substantially in the following form:

Certificate of Authority for a Notarial Act

I, (name, title, jurisdiction of authenticating official), certify that (name of notary), the person named in the seal and signature on the attached document, was a Notary Public for the state of Missouri and authorized to act as such at the time of the document's notarization.

To verify this Certificate of Authority for a Notarial Act, I have affixed below my signature and seal of office this day of, 20.... .

..... (Signature and seal of commissioning official)

3. An apostille prescribed by the Hague Convention Abolishing the Requirement of Legalization for Foreign Public Documents of October 5, 1961, shall be in the form of a square with sides at least nine centimeters long and contain exactly the following wording:

APOSTILLE

(Convention de La Haye du 5 octobre 1961)

1. Country:
2. This public document
has been signed by
3. acting in the capacity of
4. bears the seal/stamp of

CERTIFIED

5. at
6. the
7. by
8. No.
9. Seal/Stamp
10. Signature:
.....

4. The secretary may charge a fee as set forth in section 28.160 for issuing a certificate of authority or an apostille.

486.775. NOTARIAL ACT MAY BE PERFORMED, WHEN — SEAL, SIGNATURE, TITLE, PRIMA FACIE EVIDENCE, WHEN — RECIPROCITY, WHEN. — 1. A notarial act may be performed within this state by the following persons:

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

- (1) A notary of this state;
 - (2) A judge, clerk, or deputy clerk of any court of this state; or
 - (3) Any other person authorized by the law of this state to perform a specific notarial act.
2. The official signature, seal, and title of a person authorized by subsection 1 of this section to perform a notarial act shall be considered prima facie evidence that the signature and seal are genuine and that the person holds the indicated title.
3. A notarial act shall have the same effect under the law of this state as if performed by a notarial officer of this state if performed in another state, commonwealth, territory, district, or possession of the United States by any of the following persons:
- (1) A notary of that jurisdiction;
 - (2) A judge, clerk, or deputy clerk of a court of that jurisdiction; or
 - (3) Any other person authorized by the law of that jurisdiction to perform notarial acts.
4. The official signature, title, and, if required by law, seal of a person whose authority to perform notarial acts is recognized by subsection 3 of this section shall be considered prima facie evidence that the signature and seal are genuine and that the person holds the indicated title, and, except in the case of subdivision (3) of subsection 3 of this section, shall conclusively establish the authority of a holder of that title to perform a notarial act.
5. A notarial act shall have the same effect under the law of this state as if performed by a notarial officer of this state if performed anywhere by any of the following persons under authority granted by the law of the United States:
- (1) A judge, clerk, or deputy clerk of a court;
 - (2) A commissioned United States military officer on active duty;
 - (3) A foreign service or consular officer of the United States; or
 - (4) Any other person authorized by federal law to perform notarial acts.
6. The official signature, title, and, if required by law, seal of a person whose authority to perform notarial acts is recognized by subsection 5 of this section shall be considered prima facie evidence that the signature and seal are genuine, that the person holds the indicated title, and, except in the case of subdivision (4) of subsection 5 of this section, shall conclusively establish the authority of a holder of that title to perform a notarial act.
7. A notarial act shall have the same effect under the law of this state as if performed by a notarial officer of this state if performed within the jurisdiction and under authority of a foreign nation or its constituent units or a multi-national or international organization by any of the following persons:
- (1) A notary or other notarial officer;
 - (2) A judge, clerk, or deputy clerk of a court of record; or
 - (3) Any other person authorized by the law of that jurisdiction to perform notarial acts.
8. The official seal or stamp of a person whose authority to perform notarial acts shall be recognized by subsection 7 of this section shall be considered prima facie evidence that the signature is genuine, that the person holds the indicated title, and, except in the case of subdivision (3) of subsection 7 of this section, shall conclusively establish the authority of a holder of that title to perform a notarial act.
9. The authority of an officer to perform notarial acts shall be conclusively established if the title of the office and indication of authority to perform notarial acts appears either in a digest of foreign law or a list customarily used as a source for that information.
10. An apostille in the form prescribed by subsection 3 of section 486.770 shall conclusively establish that the signature and seal of the notarial officer referenced in the apostille are genuine and that the person holds the indicated office.
11. A certificate of a foreign service or consular officer of the United States stationed in the nation under whose jurisdiction the notarial act was performed, or a certificate of a foreign

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Matter in bold-face type is proposed language.

service or consular officer of that nation stationed in the United States, conclusively establishes any matter relating to the authenticity or validity of the notarial act referenced in the certificate.

12. Nothing in this section shall be construed to permit a notary of this state to perform a notarial act outside of this state without meeting the legal requirements of the state, commonwealth, territory, district or possession of the United States, or foreign nation in which the notarial act is performed.

486.780. CHANGE OF ADDRESS OF NOTARY, REQUIREMENTS. — 1. Within ten days after the change of a notary's residence, business, or mailing address, the notary shall send to the secretary by any means providing a tangible receipt, including certified mail and electronic transmission, a signed notice of the change, giving both old and new addresses, along with a fee of five dollars.

2. If the address of the regular place of work or business is changed, the notary shall not perform a notarial act until:

- (1) The notice described in subsection 1 of this section has been delivered or transmitted;
- (2) A confirmation of the notary's name or address change has been received from the secretary; and
- (3) The surety for the notary's bond has been informed in writing.

486.785. CHANGE OF NOTARY'S NAME, REQUIREMENTS. — 1. Within ten days after the change of a notary's name by court order or marriage, the notary shall send to the secretary by any means providing a tangible receipt, including certified mail and electronic transmission, a signed notice of the change, giving both the former and the new name, with a copy of any official authorization for such change, along with a fee of five dollars.

2. A notary with a new name shall continue to use the former name in performing notarial acts until:

- (1) The notice described in subsection 1 of this section has been delivered or transmitted;
- (2) A confirmation of the notary's name or address change has been received from the secretary;
- (3) A new seal bearing the new name exactly as in the confirmation has been obtained; and
- (4) The surety for the notary's bond has been informed in writing.

3. Upon completing the requirements of subsection 2 of this section, the notary shall use his or her new name.

486.790. RESIGNATION OF NOTARY COMMISSION. — 1. A notary who resigns his or her commission shall send to the secretary by any means providing a tangible receipt, including certified mail and electronic transmission, a signed notice indicating the effective date of resignation.

2. A notary who ceases to reside in or to maintain a regular place of work or business in this state, or who becomes permanently unable to perform their notarial duties, shall resign their commission.

486.795. EXPIRATION, RESIGNATION, OR REVOCATION OF NOTARY COMMISSION, REQUIREMENTS. — 1. Except as provided in subsection 2 of this section, if a notary commission expires or is resigned or revoked, the notary shall:

- (1) As soon as reasonably practicable, destroy or deface all of his or her notary seals so that they may not be misused; and

(2) Within thirty days after the effective date of resignation, revocation, or expiration of the commission, dispose of the journal and notarial records in accordance with subsection 4 of section 486.715.

2. A notary whose commission has expired, who intends to apply for a new commission, and whose previous commission or application was not revoked or denied by the secretary, shall not be required to dispose of his or her journal and notarial records within thirty days after commission expiration, but shall do so within three months after expiration unless recommissioned within that period.

486.800. DEATH OF NOTARY, PERSONAL REPRESENTATIVE DUTIES. — If a notary dies during the term of commission or before fulfilling the requirements of this section, the notary's personal representative shall:

- (1) Notify the secretary of the death in writing;
- (2) As soon as reasonably practicable, forward all notary seals to the secretary; and
- (3) Within thirty days after death, forward the journal and notarial records in accordance with subsection 4 of section 486.715.

486.805. LIABILITY FOR DAMAGES BY NOTARY, SURETY, OR EMPLOYER OF NOTARY, WHEN. — 1. A notary shall be liable to any person for all damages proximately caused that person by the notary's negligence, intentional violation of law, or official misconduct in relation to a notarization.

2. A surety for a notary's bond shall be liable to any person for damages proximately caused that person by the notary's negligence, intentional violation of law, or official misconduct in relation to a notarization during the bond term, but this liability shall not exceed the dollar amount of the bond or of any remaining bond funds that have not been disbursed to other claimants. Regardless of the number of claimants against the bond or the number of notarial acts cited in the claims, a surety's aggregate liability shall not exceed the dollar amount of the bond.

3. An employer of a notary shall be liable to any person for all damages proximately caused that person by the notary's negligence, intentional violation of law, or official misconduct in performing a notarization during the course of employment, if the employer directed, expected, encouraged, approved, or tolerated the notary's negligence, violation of law, or official misconduct either in the particular transaction or, impliedly, by the employer's previous action in at least one similar transaction involving any notary employed by the employer.

4. An employer of a notary shall be liable to the notary for all damages recovered from the notary as a result of any violation of law by the notary that was coerced by threat of the employer, if the threat, such as of demotion or dismissal, was made in reference to the particular notarization or, impliedly, by the employer's previous action in at least one similar transaction involving any notary employed by the employer. In addition, the employer is liable to the notary for damages caused the notary by demotion, dismissal, or other action resulting from the notary's refusal to engage in a violation of law or official misconduct.

5. Notwithstanding any other provision in this chapter to the contrary, for the purposes of this section "negligence" shall not include any good-faith determination made by the notary pursuant to the obligations imposed by subdivision (3) of subsection 1 of section 486.645 or subdivision (4) of subsection 1 of section 486.645.

6. Recovery of damages against a notary, surety, or employer shall require that the notary's negligence, violation of law, or official misconduct be the proximate cause of the damages, although not required to be the sole cause.

7. This section shall also apply to electronic notaries performing electronic notarial acts and remote online notaries performing remote online notarial acts.

486.810. REVOCATION OF COMMISSION, WHEN — PROCEDURE. — 1. The secretary may revoke a notary commission for any ground on which an application for a commission may be denied pursuant to subsection 3 of section 486.605.

2. The secretary shall revoke the commission of any notary who fails:

- (1) To maintain a residence or a regular place of work or business in this state; and
- (2) To maintain status as a legal resident of the United States.

3. Prior to revocation of a notary commission, the secretary shall inform the notary of the basis for the revocation and that the revocation takes effect on a particular date unless a proper appeal is filed with the secretary before that date.

4. Resignation or expiration of a notary commission does not terminate or preclude an investigation into the notary's conduct by the secretary, who may pursue the investigation to a conclusion, whereupon it shall be made a matter of public record regardless of whether the finding would have been grounds for revocation.

5. The secretary shall promulgate rules providing for appeals from revocations, subject to the limitations in section 486.830.

6. This section shall also apply to electronic notaries performing electronic notarial acts and remote online notaries performing remote online notarial acts.

486.815. SUSPENSION OF NOTARY COMMISSION. — 1. The secretary may immediately suspend a notary commission upon written notice sent by certified mail if the situation is deemed to have a serious unlawful effect on the general public, provided that the notary shall be entitled to hearing and adjudication as soon thereafter as is practicable.

2. The secretary shall promulgate rules providing for hearings and appeals on suspension of a notary commission, subject to the limitations in section 486.830.

3. This section shall also apply to electronic notaries performing electronic notarial acts and remote online notaries performing remote online notarial acts.

486.820. LIST OF SUSPENDED OR REVOKED COMMISSIONS, PUBLICATION OF. — The secretary may regularly publish a list of persons whose notary commissions have been suspended or revoked by the secretary, including electronic notaries and remote online notaries.

486.825. ADDITIONAL SANCTIONS PERMITTED. — The sanctions of this chapter shall not preclude any other sanctions or remedies provided by law.

486.830. RULEMAKING AUTHORITY. — The secretary may promulgate rules that are reasonable and necessary to accomplish the duties specifically delegated to the secretary in this chapter. Any rule or portion of a rule, as that term is defined in section 536.010, that is created pursuant to the authority delegated in this chapter shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This chapter and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2020, shall be invalid and void.

486.900. DEFINITIONS. — As used in sections 486.900 to 486.1010, the following terms and phrases mean:

(1) "Capable of independent verification", any interested person may confirm the validity of an electronic notary's identity and authority through a publicly accessible system;

(2) "Electronic", relates to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities;

(3) "Electronic document", information that is created, generated, sent, communicated, received, or stored by electronic means;

(4) "Electronic journal of notarial acts" and "electronic journal", a chronological electronic record of notarizations that is maintained by the notary public who performed the same notarizations;

(5) "Electronic notarial act" and "electronic notarization", an official act involving an electronic document that is performed in compliance with sections 486.900 to 486.1010 by an electronic notary public as a security procedure as defined in the Uniform Electronic Transactions Act, sections 432.200 to 432.295;

(6) "Electronic notarial certificate", the part of, or attachment to, a notarized electronic document that, in the performance of an electronic notarization, is completed by the electronic notary, bears the notary's registered electronic signature and seal, and states the date, venue, and facts attested to or certified by the notary in the particular electronic notarization;

(7) "Electronic notary public" and "electronic notary", a notary public who has registered with the secretary the capability to perform electronic notarial acts;

(8) "Electronic notary seal" and "electronic seal", information within a notarized electronic document that includes the electronic notary's name, title, jurisdiction, and commission expiration date and generally corresponds to information in notary seals used on paper documents;

(9) "Electronic signature", an electronic sound, symbol, or process attached to or logically associated with an electronic document and executed or adopted by a person with the intent to sign the document;

(10) "Registered electronic notary seal", an electronic notary seal produced by a notary in the performance of an electronic notarial act by a means that was registered with the secretary;

(11) "Registered electronic signature", an electronic signature produced by a notary in the performance of an electronic notarial act by a means that was registered with the secretary;

(12) "Security procedure", a procedure employed for the purpose of verifying that an electronic signature, document, or performance is that of a specific person or for detecting changes or errors in the information in an electronic document. The term includes a procedure that requires the use of algorithms or other codes, identifying words or numbers, encryption, or callback, or other acknowledgment procedures.

486.902. CONTROLLING LAW. — Sections 486.900 to 486.1010 supplement the provisions of sections 486.600 to 486.825 for in person electronic notarial acts. To the extent sections 486.600 to 486.825 are inconsistent with sections 486.900 to 486.1010, the provisions of 486.900 to 486.1010 control regarding the performance of in person electronic notarial acts.

486.905. ELECTRONIC NOTARIES, COMMISSION, REGISTRATION. — 1. Prior to performing electronic notarial acts, a person shall apply to be a commissioned notary for the state of Missouri.

2. A notary shall register the capability to perform electronic notarial acts with the secretary before notarizing electronically.

3. Upon recommissioning, a notary shall again register with the secretary before notarizing electronically.

4. A person may apply or reapply for a notary commission and register or reregister to perform electronic notarial acts at the same time.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

486.910. COURSE OF INSTRUCTION REQUIRED. — 1. Before initially registering the capability to perform electronic notarial acts, an electronic notary shall complete a course of instruction as approved by the secretary, in addition to the course required for commissioning as a notary, and pass an examination based on the course.

2. The content of the course shall be notarial laws, procedures, and ethics pertaining to electronic notarization.

486.915. TERM OF REGISTRATION. — The term of registration of an electronic notary public shall begin on the registration starting date set by the secretary and shall continue as long as the notary's commission remains in effect or until registration is terminated pursuant to subsection 1 of section 486.1005.

486.920. ELECTRONIC REGISTRATION FORM, CONTENTS — DENIAL OF REGISTRATION, WHEN — CONFIDENTIALITY OF RECORDS. — 1. To register the capability to perform electronic notarial acts, a notary shall electronically sign and submit to the secretary an electronic form prescribed by the secretary that includes:

(1) Proof of successful completion of the courses and examinations required by sections 486.630 and 486.910;

(2) The following information:

(a) A description of each separate means that will be used to produce electronic signatures and electronic notary seals;

(b) Any keys, codes, software, decrypting instructions, or graphics that will allow the electronic signatures and seals produced by the means described in paragraph (a) of this subdivision to be verified;

(c) The names of any licensed authorities issuing the means for producing the electronic signatures and seals, the source of each license, and the starting and expiration dates of each pertinent certificate, software, or process;

(d) An explanation of any revocation, annulment, or other premature termination of any certificate, software, or process ever issued or registered to the applicant to produce an electronic signature or seal; and

(e) A declaration that the notary public will use the means issued or authorized for issuance by the secretary for producing an electronic notary seal; and

(3) The access instructions that will allow the electronic journal of notarial acts as described in section 486.700 to be viewed, printed, and copied.

2. Pursuant to this section, a notary public may register at the same or different times one or more respective means for producing electronic signatures and electronic notary seals, or single elements combining the required features of both, consistent with the requirements cited elsewhere in this chapter.

3. The secretary shall deny registration to any applicant submitting an electronic registration form that contains a material misstatement or omission of fact.

4. Information in the registration form of an electronic notary public shall be used by the secretary and designated state employees only for the purpose of performing official duties, shall be a closed record as described in chapter 610, and shall not be disclosed to any person other than:

(1) A government agent acting in an official capacity and duly authorized to obtain such information;

(2) A person authorized by court order; or

(3) The registrant or the registrant's duly authorized agent.

486.925. ELECTRONIC NOTARIAL ACTS AUTHORIZED. — The following notarial acts may be performed electronically:

- (1) Acknowledgment;
- (2) Jurat;
- (3) Signature witnessing; and
- (4) Copy certification.

486.930. ELECTRONIC NOTARIZATION, PRINCIPAL REQUIREMENTS. — 1. An electronic notary shall perform an electronic notarization only if the principal:

- (1) Is in the presence of the notary at the time of notarization;
 - (2) Is personally known to the notary or identified by the notary through satisfactory evidence;
 - (3) Appears to understand the nature of the transaction;
 - (4) Appears to be acting of his or her own free will;
 - (5) Communicates directly with the notary in a language both understand; and
 - (6) Reasonably establishes the electronic signature as his or her own.
2. In performing electronic notarial acts, an electronic notary shall adhere to all applicable laws governing notarial acts provided in this chapter.

486.935. ELECTRONIC NOTARIAL CERTIFICATE, CONTENTS, WORDING. — 1. In performing an electronic notarial act, the electronic notary shall properly complete an electronic notarial certificate.

2. A proper electronic notarial certificate shall contain:

- (1) Completed wording appropriate to the particular electronic notarial act, as prescribed in subsection 3 of this section;
 - (2) A registered electronic signature; and
 - (3) A registered electronic notary seal, which shall include:
 - (a) The name of the electronic notary fully and exactly as it is spelled on the notary's commissioning document;
 - (b) The jurisdiction that commissioned and registered the electronic notary;
 - (c) The title "Electronic Notary Public";
 - (d) The commission or registration number of the electronic notary; and
 - (e) The commission expiration date of the electronic notary.
3. The wording of an electronic notarial certificate shall be in a form that:
- (1) Is set forth in sections 486.740 to 486.750;
 - (2) Is otherwise prescribed by the law of this state;
 - (3) Is prescribed by a law, regulation, or custom of another jurisdiction, provided it does not require actions by the electronic notary that are unauthorized by this state; or
 - (4) Describes the actions of the electronic notary in such a manner as to meet the requirements of the particular notarial act, as defined in section 486.600 or 486.900.
4. An electronic notarial certificate shall be worded and completed using only letters, characters, and a language that are read, written, and understood by the electronic notary.

486.940. ELECTRONIC SIGNATURE AND SEAL, REQUIREMENTS — EMPLOYERS, RESTRICTIONS. — 1. In notarizing an electronic document, the notary shall attach to, or logically associate with, the electronic notarial certificate a registered electronic signature and a registered electronic notary seal, or a registered single element in conformity with subsection 2 of this section, in such a manner that the signature and the seal, or the single element, are attributed to the electronic notary as named on the commission.

2. A registered electronic signature shall be:

- (1) Unique to the electronic notary;
- (2) Capable of independent verification;
- (3) Attached to or logically associated with an electronic notarial certificate in such a manner that any subsequent alteration of the certificate or underlying electronic document prominently displays evidence of the alteration; and
- (4) Attached or logically associated by a means under the electronic notary's sole control.

3. At all times the means for producing registered electronic notary seals, or registered single elements as described in subsection 2 of this section, shall be kept under the sole control of the electronic notary.

4. An employer of an electronic notary shall not use or control the means for producing registered electronic signatures and notary seals, or registered single elements combining the required features of both, nor upon termination of a notary's employment retain any software, coding, disk, certificate, card, token, or program that is intended exclusively to produce a registered electronic signature, notary seal, or combined single element, regardless of whether the employer financially supported the employee's activities as a notary.

5. A registered electronic signature may be used by the electronic notary for lawful purposes other than performing electronic notarizations, provided that neither the title "notary" nor any other indication of status as a notarial officer is part of the signature.

6. Neither a registered electronic notary seal nor a combined single element containing the seal shall be used by the electronic notary for any purpose other than performing lawful electronic notarizations.

486.945. JOURNAL OF NOTARIAL ACTS, REQUIREMENTS. — 1. An electronic notary shall keep, maintain, protect, and provide for lawful inspection a chronological journal of notarial acts that is a permanently bound book with numbered pages.

2. If a notary is registered as an electronic notary:

- (1) The notary shall keep an electronic journal of electronic notarial acts as described in section 486.950; and
- (2) The notary shall keep a record of electronic notarial acts in the permanently bound journal.

3. A notary shall maintain only one active permanently bound journal at the same time, except that a backup of each active and inactive electronic journal shall be retained by the notary in accordance with subdivision (3) of subsection 1 of section 486.950 if each respective original electronic journal is retained.

4. A notary shall keep the permanently bound journal for a period of no less than ten years from the date of the last entry.

486.947. JOURNAL RECORDINGS. — 1. For every electronic notarial act, the electronic notary shall record in the electronic journal at the time of notarization the following:

- (1) The date and time of day of the electronic notarial act;
- (2) The type of electronic notarial act;
- (3) The type, title, or a description of the document or proceeding;
- (4) The signature, printed name, and address of each principal;
- (5) The printed name and address of each requester of fact;
- (6) The evidence of identity of each principal in the form of either:
 - (a) A statement that the person is personally known to the notary;
 - (b) A notation of the type of identification document, the issuing agency, the serial or identification number, and the date of issuance or expiration;

(c) The handwritten signature and the name and address of each credible witness swearing or affirming to the principal's identity, and for credible witnesses who are not personally known to the notary, a description of the identification documents relied on by the notary; or

(d) In the case of an electronic journal, a recognized biometric identifier, in accordance with subdivision (4) of subsection 1 of section 486.950;

(7) The fee, if any, charged for the electronic notarial act;

(8) The address where the electronic notarial act was performed, if not the address of the notary's regular place of work or business; and

(9) The name of any authority issuing or registering the means used to create the electronic signature that was notarized, the source of this authority's license, if any, and the expiration date of the electronic process.

2. An electronic notary shall not record a Social Security number or credit card number in the journal.

3. An electronic notary may record in the journal the circumstances for not performing or completing any requested electronic notarial act.

4. As required in subdivision (4) of subsection 2 of section 486.745, a notary shall append to the pertinent entry in the journal a notation of the nature and date of the notary's correction of a completed notarial certificate corresponding to the entry.

486.950. ADDITIONAL REQUIREMENTS FOR ELECTRONIC JOURNAL OF ELECTRONIC NOTARIAL ACTS AND ELECTRONIC NOTARIES. — 1. An electronic journal of electronic notarial acts shall:

(1) Allow journal entries to be made, viewed, printed, and copied only after access is obtained by a procedure that uses two factors of authentication;

(2) Not allow a journal entry to be deleted or altered in content or sequence by the electronic notary or any other person after a record of the electronic notarization is entered and stored, except that an entry may be deleted if the retention period set forth in subsection 4 of this section has passed;

(3) Have a backup system in place to provide a duplicate record of electronic notarial acts as a precaution in the event of loss of the original record;

(4) Be capable of capturing and storing the image of a handwritten or electronic signature and the data related to one other type of recognized biometric identifier; and

(5) Be capable of printing and providing electronic copies of any entry, including images of handwritten signatures and the data related to the other selected type of recognized biometric identifier.

2. In maintaining an electronic journal of electronic notarial acts, an electronic notary public shall comply with the applicable prescriptions and prohibitions regarding the copying, security, surrender, and disposition of a journal as set forth in sections 486.710 to 486.715 and sections 486.795 to 486.800.

3. Every electronic notary public maintaining an electronic journal of electronic notarial acts pursuant to section 486.945 shall:

(1) Provide to the secretary authorization on the registration form described in section 486.920 and the access instructions that allow journal entries to be viewed, printed, and copied in read-only access; and

(2) Notify the secretary of any subsequent change to the access instructions.

4. An electronic notary public maintaining an electronic journal of electronic notarial acts shall keep the entry for a period of no less than ten years from the date of the entry and shall also keep a record of electronic notarial acts in a permanently bound journal as set forth in sections 486.700 and 486.705.

486.955. RESIGNATION, REVOCATION, EXPIRATION, OR DEATH OF ELECTRONIC NOTARY. — Upon resignation, revocation, or expiration of a notary commission, or death of the electronic notary:

(1) The journal and notarial records shall be delivered to the secretary in accordance with sections 486.795 to 486.800 by any means providing a tangible receipt, including certified mail and electronic transmission, allowing that an electronic journal may be delivered on disk, printed on paper, or transmitted electronically, in accordance with the requirements of the secretary; and

(2) In the case of an electronic journal and backup copy where disks or other physical storage media are not required to be surrendered, no further entries shall be made in the journal and backup. The journal and backup shall be safeguarded until both are erased or expunged after ten years from the date of the last entry by the notary or the notary's personal representative.

486.960. FEES. — 1. For performing an electronic notarial act, an electronic notary public may charge the maximum fee specified in this section, charge less than the maximum fee, or waive the fee.

2. The maximum fees that may be charged by an electronic notary public for performing an electronic notarial act are:

(1) For an acknowledgment, five dollars per signature;

(2) For a jurat, five dollars per signature; and

(3) For a signature witnessing, five dollars per signature.

3. An electronic notary may charge a travel fee to perform an electronic notarial act if:

(1) The notary and the person requesting the electronic notarial act agree upon the travel fee in advance of the travel; and

(2) The notary explains to the person requesting the notarial act that the travel fee is both separate from the notarial fee prescribed in subsection 2 of this section and neither specified nor mandated by law.

4. An electronic notary shall not discriminate in the charging of fees for an electronic notarial act based on the characteristics of the principal or requester of fact as set forth in subsection 1 of section 486.650, though an electronic notary may waive or reduce fees for humanitarian or charitable reasons.

5. The requirements relating to fees for an employee notary public that are prescribed in section 486.695 also apply to an electronic notary public in the performance of an electronic notarial act.

6. An electronic notary public who charges for performing electronic notarial acts shall conspicuously display in all of the notary's places of business and internet sites, or present to each principal or requester of fact if outside such places of business, an English-language schedule of maximum fees for electronic notarial acts, as specified in subsection 2 of section 486.960. No part of any such notarial fee schedule shall appear or be printed in smaller than twelve-point type.

486.965. FEES, PAYMENT OF PRIOR TO PERFORMANCE — NONREFUNDABLE, WHEN. — 1. An electronic notary public may require payment of any fees specified in section 486.960 prior to performance of an electronic notarial act.

2. Any fees paid to an electronic notary prior to performance of an electronic notarial act are nonrefundable if:

(1) The electronic notarial act was completed; or

(2) In the case of travel fees paid in compliance with subsection 3 of section 486.960, the electronic notarial act was not completed after the notary traveled to meet the principal because

it was prohibited pursuant to section 486.930 or because the notary knew or had a reasonable belief that the notarial act or the associated transaction was unlawful.

486.970. NOTARIZED ELECTRONIC DOCUMENTS TRANSMITTED TO OTHER STATES OR NATIONS — CERTIFICATE OF AUTHORITY FORM. — 1. On a notarized electronic document transmitted to another state or nation, electronic evidence of the authenticity of the seal of an electronic notary public of this state and the registered electronic signature, if required, shall be in the form of an electronic certificate of authority signed by the secretary in conformance with any current and pertinent international treaties, agreements, and conventions subscribed by the government of the United States.

2. The electronic certificate of authority described in subsection 1 of this section shall be attached to or logically associated with the electronically notarized document in such a manner that any subsequent alteration of the notarized document, or removal or alteration of the electronic certificate of authority, produces evidence of the change.

3. An electronic certificate of authority evidencing the authenticity of the registered electronic signature and seal of an electronic notary public of this state shall be in substantially the following form:

Certificate of Authority for Electronic Notarial Act

I, (name and title of commissioning official), certify that (name of electronic notary public), the person named as Electronic Notary Public in the attached, associated, or accompanying electronic document, was registered as an Electronic Notary Public for the state of Missouri and authorized to act as such at the time the document was electronically notarized. I also certify that the document bears no evidence of illegal or fraudulent alteration.

To verify this Certificate of Authority for an Electronic Notarial Act, I have included herewith my electronic seal and signature this day of, 20..... .

(Electronic seal and signature of secretary)

486.975. FEE FOR ELECTRONIC CERTIFICATE OF AUTHORITY. — For issuing an electronic certificate of authority for an electronic notarial act, including an electronic form of the apostille set forth in subsection 3 of section 486.770, the secretary may charge a maximum of ten dollars.

486.980. ELECTRONIC NOTARY'S E-MAIL ADDRESS CHANGE, OTHER CHANGES, REQUIREMENTS. — 1. Within five business days after the change of an electronic notary public's e-mail address, the notary shall electronically transmit to the secretary a notice of the change secured by a registered electronic signature of the notary.

2. Any change or addition to the data on the electronic registration form described in section 486.920, including any change to an electronic journal's access instructions, shall be reported within ten days to the secretary.

486.985. PRODUCTION OF ELECTRONIC SIGNATURE OR SEAL, COMPROMISE OF, REQUIREMENTS. — 1. Upon becoming aware that the status, functionality, or validity of the means for producing a registered electronic signature, notary seal, or single element combining the signature and seal, has changed, expired, terminated, or become compromised, the notary shall:

- (1) Immediately notify the secretary;
- (2) Cease producing seals or signatures in electronic notarizations using that means;
- (3) Perform electronic notarizations only with a currently registered means or another means that has been registered within thirty days; and

(4) Dispose of any software, coding, disk, certificate, card, token, or program that has been rendered defunct, in the manner described in subsection 1 of section 486.995.

2. Pursuant to subsection 1 of this section, the secretary shall immediately suspend the electronic status of a notary who has no other currently registered means for producing electronic signatures or notary seals, and, if such means is not registered within thirty days, electronic status shall be terminated.

486.990. TERMINATION OF REGISTRATION UPON TERMINATION OF COMMISSION AS AN ELECTRONIC NOTARY. — 1. Any revocation, resignation, expiration, or other termination of the commission of a notary public immediately terminates any existing registration as an electronic notary.

2. A notary's decision to terminate registration as an electronic notary shall not automatically terminate the underlying commission of the notary.

3. A notary who terminates registration as an electronic notary shall notify the secretary in writing and dispose of any pertinent software, coding, disk, certificate, card, token, or program as described in subsection 1 of section 486.995.

486.995. NOTARY REPRESENTATIVE'S DUTIES UPON TERMINATION OF ELECTRONIC NOTARY COMMISSION. — 1. Except as provided in subsection 2 of this section, if the commission of an electronic notary public expires or is resigned or revoked, if registration as an electronic notary terminates, or if an electronic notary dies, the notary or the notary's duly authorized representative shall, within thirty business days, permanently erase or expunge the software, coding, disk, certificate, card, token, or program that is intended exclusively to produce registered electronic notary seals, registered single elements combining the required features of an electronic signature and notary seal, or registered electronic signatures that indicate status as a notary.

2. A former electronic notary public whose previous commission expired shall not be subject to subsection 1 of this section if such electronic notary public, within three months after expiration, is recommissioned and reregistered as an electronic notary public using the same registered means for producing electronic notary seals and signatures.

486.1000. IMPROPER PERFORMANCE OF ELECTRONIC NOTARIAL ACTS — LIABILITIES, SANCTIONS, AND REMEDIES. — The liability, sanctions, and remedies for the improper performance of electronic notarial acts by an electronic notary public are the same as described and provided in section 486.805 for the improper performance of nonelectronic notarial acts.

486.1005. SECRETARY TO TERMINATE ELECTRONIC NOTARY'S REGISTRATION, WHEN — PROCEDURE. — 1. The secretary shall terminate an electronic notary public's registration for any of the following reasons:

(1) Submission of an electronic registration form containing a material misstatement or omission of fact;

(2) Failure to maintain the capability to perform electronic notarial acts, except as allowed in subdivision (3) of subsection 1 of section 486.985; or

(3) The electronic notary's performance of official misconduct.

2. Prior to terminating an electronic notary's registration, the secretary shall inform the notary of the basis for the termination and that the termination shall take place on a particular date unless a proper appeal is filed with the secretary before that date.

3. Neither resignation nor expiration of a notary commission or of an electronic notary registration precludes or terminates an investigation by the secretary into the electronic notary's conduct. The investigation may be pursued to a conclusion, whereupon it shall be made a matter

of public record regardless of whether the finding would have been grounds for termination of the commission or registration of the electronic notary.

486.1010. IMPERSONATING OR IMPROPERLY INFLUENCING AN ELECTRONIC NOTARY, PENALTIES. — The criminal penalties for impersonating an electronic notary public and for soliciting, coercing, or improperly influencing an electronic notary to commit official misconduct in performing notarial acts are the same penalties described in subsection 6 of section 578.700 in regard to performing nonelectronic notarial acts.

486.1100. DEFINITIONS. — As used in sections 486.1100 to 486.1205, the following terms and phrases mean:

(1) "Appears in person before the notary" or "personally appear before the notary" or "in the presence of the notary", includes, in the case of a remote online notarization, a principal and any required witness appearing by remote means in accordance with sections 486.1100 to 486.1205;

(2) "Communication technology", an electronic device or process that allows a notary public physically located in this state and a remotely located individual to communicate with each other simultaneously by sight and sound, and which, as necessary, makes reasonable accommodations for individuals with vision, hearing, or speech impairments;

(3) "Credential analysis", a process or service that meets the standards established by the secretary of state through which a third person affirms the validity of an identification credential;

(4) "Electronic", relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities;

(5) "Electronic document", information that is created, generated, sent, communicated, received, or stored by electronic means;

(6) "Electronic notary seal" and "electronic seal", information within a notarized electronic document that includes the remote online notary's name, title, jurisdiction, and commission expiration date and generally corresponds to information in notary seals used on paper documents;

(7) "Electronic signature", an electronic sound, symbol, or process attached to or logically associated with an electronic document and executed or adopted by a person with the intent to sign the document;

(8) "Identity proofing", a process or service operating according to standards established by the secretary of state by rule;

(9) "Outside the United States", outside the geographic boundaries of a state or commonwealth of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, and any territory or insular possession subject to the jurisdiction of the United States;

(10) "Remote online notarization" or "remote online notarial act", an electronic notarial act performed by means of communication technology that meets the standards as provided in sections 486.1100 to 486.1205;

(11) "Remote online notary public", a notary public physically located in this state who has registered with the secretary of state to perform remote online notarizations pursuant to sections 486.1100 to 486.1205;

(12) "Remote presentation", transmission to the remote online notary public through communication technology of an image of an identification credential that is of sufficient quality to enable the remote online notary public to:

- (a) Identify the individual seeking the remote online notary public's services; and
- (b) Perform credential analysis;

(13) "Remotely located individual", an individual who is not in the physical presence of the notary public.

486.1105. CONTROLLING LAW. — Sections 486.1100 to 486.1205 supplement the provisions of sections 486.600 to 486.820 and sections 486.900 to 486.1010 for remote online notarial acts. To the extent sections 486.600 to 486.820 and 486.900 to 486.1010 are inconsistent with sections 486.1100 to 486.1205, the provisions of 486.1100 to 486.1205 control regarding remote online notarial acts.

486.1110. RULEMAKING AUTHORITY. — The secretary of state is authorized to adopt rules necessary to implement sections 486.1100 to 486.1205, including rules to facilitate remote online notarizations, subject to the limitations in section 486.830.

486.1115. STANDARDS FOR REMOTE ONLINE NOTARIZATION, SECRETARY'S DUTIES. — 1. The secretary of state by rule shall develop and maintain standards for remote online notarization in accordance with sections 486.1100 to 486.1205, including, but not limited to, standards for credential analysis and identity proofing. Such rules shall be subject to the limitations in section 486.830.

2. In developing standards for remote online notarization, the secretary of state shall review and consider standards established by the National Association of Secretaries of State (NASS) or its successor agency, and national standard setting bodies, such as the Mortgage Industry Standards and Maintenance Organization (MISMO).

3. Before use by remote online notaries in this state, the secretary shall approve the software to be used in remote online notarial acts. The secretary may only approve remote online notarization software that, at a minimum:

- (1) Records and archives the remote online session;
- (2) Provides sufficient audio clarity and video resolution to enable the remote online notary and the principal to see and communicate to each other simultaneously through live, real time transmission;
- (3) Provides reasonable security measures to prevent unauthorized access to:
 - (a) The live transmission of the audio-video communication;
 - (b) A recording of the audio-video communication;
 - (c) The verification methods and credentials used to verify the identity of the principal; and
 - (d) The electronic documents presented for electronic notarization;
- (4) Utilizes video technology to be used in a remote electronic notarization session that provides sufficient high-definition for the notary to reasonably assess the principal's comprehension and volition;
- (5) Permits the remote online notary to identify the principal to the remote online notary's satisfaction through a form of authentication that complies with section 486.1145;
- (6) Permits the principal to identify the remote online notary to his or her satisfaction; and
- (7) Presents the document being notarized as an electronic document.

4. Before being used by a remote online notary in this state, the secretary shall test and certify remote online notarization software. The expenses of any such testing shall be paid by the vendor of the software.

486.1120. NOTARY COMMISSION AND REGISTRATION REQUIRED. — 1. Prior to performing remote online notarial acts, a person shall apply to be a commissioned notary for the state of Missouri.

2. A remote online notary shall register the capability to perform remote online notarial acts with the secretary before performing remote online notarial acts.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.

Matter in bold-face type is proposed language.

3. Upon recommissioning, a notary shall again register with the secretary before performing remote online notarizations.

4. A person may apply or reapply for a notary commission and register or reregister to perform remote online notarial acts at the same time.

486.1125. COURSE OF INSTRUCTION REQUIRED, CONTENT. — 1. Before initially registering the capability to perform remote online notarial acts, a notary shall complete a course of instruction as approved by the secretary, in addition to the course required for commissioning as a notary, and pass an examination based on the course.

2. The content of the course shall be notarial laws, procedures, and ethics pertaining to remote online notarization.

486.1130. REGISTRATION FORM, CONTENTS — DENIAL OF REGISTRATION, WHEN — CONFIDENTIALITY OF INFORMATION. — 1. To register the capability to perform remote online notarial acts, a notary shall electronically sign and submit to the secretary an electronic form prescribed by the secretary that includes:

(1) The information required in subsection 1 of section 486.920;

(2) The technology that the remote online notary public will use, which shall conform to any rules or adopted by the secretary of state; and

(3) Any other information, evidence, or declaration required by the secretary of state.

2. The secretary shall deny registration to any applicant submitting an electronic registration form that contains a material misstatement or omission of fact.

3. Information in the registration form of an electronic notary public shall be used by the secretary and designated state employees only for the purpose of performing official duties, shall be a closed record as described in chapter 610, and shall not be disclosed to any person other than:

(1) A government agent acting in an official capacity and duly authorized to obtain such information;

(2) A person authorized by court order; or

(3) The registrant or the registrant's duly authorized agent.

486.1135. TERM OF REGISTRATION. — The term of registration of an electronic notary public shall begin on the registration starting date set by the secretary and shall continue as long as the notary's commission remains in effect or until registration is terminated.

486.1140. PERMISSIBLE REMOTE ONLINE NOTARIAL ACTS. — The following remote online notarial acts may be performed using communication technology in accordance with sections 486.1100 to 486.1205, and by no other method:

(1) Acknowledgment; and

(2) Jurat.

486.1145. AUDIO-VIDEO COMMUNICATION, USE OF, REQUIREMENTS. — 1. For the purposes of performing a remote online notarial act for a person using audio-video communication, a remote online notary public has satisfactory evidence of the identity of the person if the remote online notary public confirms the identity of the person by:

(1) Personal knowledge of the identity;

(2) Each of the following, if approved by rules adopted by the secretary of state:

(a) Remote presentation by the person of an identification credential, including a passport or driver's license, that contains a photograph and the signature of the person;

(b) Credential analysis; and

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- (c) Identity proofing of the person described in paragraph (a) of this subdivision;
 - (3) Any other method that complies with any rules adopted by the secretary of state; or
 - (4) A valid certificate that complies with any rules adopted by the secretary of state.
2. Such rules shall be subject to the limitations in section 486.830.

486.1150. PRINCIPAL REQUIREMENTS FOR REMOTE ONLINE NOTARIZATION. — A remote online notary shall perform a remote online notarization only if the principal:

- (1) Is in the presence of the notary utilizing live audio-video conferencing technology at the time of notarization;
- (2) Is personally known to the notary or identified by the notary through satisfactory evidence as set forth in section 486.1145;
- (3) Appears to understand the nature of the transaction;
- (4) Appears to be acting of his or her own free will;
- (5) Communicates directly with the notary in a language both understand; and
- (6) Reasonably establishes the electronic signature as his or her own.

486.1155. REMOTE ONLINE NOTARY REQUIRED TO BE PHYSICALLY LOCATED WITHIN THIS STATE FOR PERFORMANCE OF REMOTE ONLINE NOTARIAL ACTS. — 1. A remote online notary public shall perform a remote online notarization authorized in sections 486.1100 to 486.1205 only while the remote online notary public is physically located within this state.

2. A remote online notary public may perform a remote online notarization for a remotely located individual who is physically located:

- (1) In this state;
- (2) Outside this state but within the United States; or
- (3) Outside the United States if the electronic notarization is not prohibited in the jurisdiction in which the principal is physically located at the time of the remote online notarial act.

3. The validity of a remote online notarization performed by a remote online notary public of this state in accordance with sections 486.1100 to 486.1205 shall be governed by the laws of this state.

486.1160. ADDITIONAL TRANSACTION FEE. — In addition to the other fees allowed by section 486.960, a remote online notary may charge a remote online notary transaction fee if the notary and the principal agree upon the fee in advance of the notarial act being performed and the notary explains to the person requesting the notarial act that the remote online transaction fee is separate from the notarial fee prescribed in subsection 2 of section 486.960 and is not mandated by law.

486.1165. REMOTE ONLINE NOTARIAL CERTIFICATE, CONTENTS, WORDING. — 1. In performing a remote online notarial act, the remote online notary shall properly complete a remote online notarial certificate.

2. A proper remote online notarial certificate shall contain:

- (1) Completed wording appropriate to the particular remote online notarial act, as prescribed in subsection 3 of this section;
- (2) A registered electronic signature; and
- (3) A registered electronic notary seal, which shall include:
 - (a) The name of the remote online notary fully and exactly as it is spelled on the notary's commissioning document;
 - (b) The jurisdiction that commissioned and registered the remote online notary;
 - (c) The title "Electronic Notary Public";

- (d) The commission or registration number of the remote online notary; and
- (e) The commission expiration date of the remote online notary.
- 3. The wording of a remote online notarial certificate shall be in a form that:
 - (1) Is set forth in section 486.1175;
 - (2) Is otherwise prescribed by the law of this state;
 - (3) Is prescribed by a law, regulation, or custom of another jurisdiction, provided it does not require actions by the remote online notary that are unauthorized by this state; or
 - (4) Describes the actions of the remote online notary in such a manner as to meet the requirements of the particular notarial act, as defined in section 486.600, 486.900 or 486.1100.
- 4. A remote online notarial certificate shall be worded and completed using only letters, characters, and a language that are read, written, and understood by the remote online notary.

486.1170. REGISTERED ELECTRONIC SIGNATURE, SEAL, OR SINGLE ELEMENT REQUIRED, WHEN — EMPLOYER RESTRICTIONS — LIMITATIONS ON USE OF REGISTERED SIGNATURE AND SEAL. — 1. In notarizing an electronic document, the remote online notary shall attach to, or logically associate with, the remote online notarial certificate a registered electronic signature and a registered electronic notary seal, or a registered single element in conformity with subsection 2 of this section, in such a manner that the signature and the seal, or the single element, are attributed to the electronic notary as named on the commission.

- 2. A registered electronic signature shall be:
 - (1) Unique to the electronic notary;
 - (2) Capable of independent verification;
 - (3) Attached to or logically associated with an electronic notarial certificate in such a manner that any subsequent alteration of the certificate or underlying electronic document prominently displays evidence of the alteration; and
 - (4) Attached or logically associated by a means under the electronic notary's sole control.
- 3. At all times the means for producing registered electronic notary seals, or registered single elements as described in subsection 2 of this section, shall be kept under the sole control of the electronic notary.
- 4. An employer of an electronic notary shall not use or control the means for producing registered electronic signatures and notary seals, or registered single elements combining the required features of both, nor upon termination of a notary's employment retain any software, coding, disk, certificate, card, token, or program that is intended exclusively to produce an electronic notary's registered electronic signature, notary seal, or combined single element, regardless of whether the employer financially supported the employee's activities as a notary.
- 5. A registered electronic signature may be used by the electronic notary for lawful purposes other than performing electronic notarizations, provided that neither the title "notary" nor any other indication of status as a notarial officer is part of the signature.
- 6. Neither a registered electronic notary seal nor a combined single element containing the seal shall be used by the electronic notary for any purpose other than performing lawful electronic notarizations.

486.1175. JURAT CERTIFICATE FORM — SIGNATURE FORM. — 1. A remote online notary shall use a jurat certificate in substantially the following form in notarizing a signature or mark on an affidavit or other sworn or affirmed written declaration:

State of Missouri

County (and/or City) of

On this day of, 20..., before me, the undersigned notary, personally appeared by remote online means (name of document signer), (personally known to me) (proved

to me through identification documents, which were,) (proved to me on the oath or affirmation of, who is personally known to me and stated to me that (he)(she) personally knows the document signer and is unaffected by the document,) (proved to me on the oath or affirmation of and, whose identities have been proven to me through identification documents and who have stated to me that they personally know the document signer and are unaffected by the document,) to be the person who signed the preceding or attached document in my presence and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of (his)(her) knowledge and belief.

..... (official signature and seal of notary)

2. A remote online notary shall use a certificate in substantially the following form in notarizing the signature or mark of any person acknowledging on his or her own behalf or as a partner, corporate officer, attorney in fact, or in any other representative capacity who appears remotely:

State of Missouri

County (and/or City) of

On this day of, 20...., before me, the undersigned notary, personally appeared by remote online means (name of document signer), (personally known to me)(proved to me through identification documents, which were,) (proved to me on the oath or affirmation of, who is personally known to me and stated to me that (he)(she) personally knows the document signer and is unaffected by the document,) (proved to me on the oath or affirmation of and, whose identities have been proven to me through identification documents and who have stated to me that they personally know the document signer and are unaffected by the document,) to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he)(she) signed it voluntarily for its stated purpose(.

(as partner for, a partnership.)

(as for, a corporation.)

(as attorney in fact for, the principal.)

(as for, (a)(the))

..... (official signature and seal of notary)

486.1180. ELECTRONIC JOURNALS. — 1. If a notary is registered as a remote online notary:

(1) The notary shall keep an electronic journal of remote online notarial acts as described in section 486.1190; and

(2) The notary shall also keep a record of remote online notarial acts in the permanently bound journal.

2. A notary shall maintain only one active permanently bound journal at the same time, except that a backup of each active and inactive electronic journal shall be retained by the notary in accordance with subdivision (3) of subsection 1 of section 486.1190 as long as each respective original electronic journal is retained.

3. A notary shall keep the permanently bound journal for a period of no less than ten years from the date of the last entry.

486.1185. ELECTRONIC JOURNAL RECORDING REQUIREMENTS. — 1. For every remote online notarial act, the remote online notary shall record in the electronic journal at the time of notarization the following:

(1) The date and time of day of the remote online notarial act;

(2) The type of remote online notarial act;

- (3) The type, title, or a description of the document or proceeding;
 - (4) The electronic signature, printed name, and address of each principal;
 - (5) The printed name and address of each requester of fact;
 - (6) The evidence of identity of each principal in the form of either:
 - (a) A statement that the person is personally known to the notary;
 - (b) A notation of the type of identification document, its issuing agency, its serial or identification number, and its date of issuance or expiration;
 - (c) The electronic signature, printed name, and address of each credible witness swearing or affirming to the principal's identity, and for credible witnesses who are not personally known to the notary, a description of the identification documents relied on by the notary; or
 - (d) In the case of an electronic journal, a recognized biometric identifier, in accordance with subdivision (4) of subsection 1 of section 486.1190;
 - (7) The fee, if any, charged for the remote online notarial act;
 - (8) The address where the remote online notarial act was performed, if not the address of the notary's regular place of work or business; and
 - (9) The name of the program or software any authority issuing or registering the means used to create the electronic signature that was notarized and the source of this authority's license, if any.
2. A remote online notary shall not record a Social Security number or credit card number in the journal.
3. A remote online notary may record in the journal the circumstances for not performing or completing any requested remote online notarial act.

486.1190. ADDITIONAL REQUIREMENTS FOR ELECTRONIC JOURNAL OF REMOTE ONLINE NOTARIAL ACTS AND REMOTE ONLINE NOTARIES. — 1. An electronic journal of remote online notarial acts shall:

- (1) Allow journal entries to be made, viewed, printed, and copied only after access is obtained by a procedure that uses two factors of authentication;
 - (2) Not allow a journal entry to be deleted or altered in content or sequence by the remote online notary or any other person after a record of the remote online notarization is entered and stored, except that an entry may be deleted if the retention period set forth in subsection 4 of this section has passed;
 - (3) Have a backup system in place to provide a duplicate record of remote online notarial acts as a precaution in the event of loss of the original record;
 - (4) Be capable of capturing and storing the image of a handwritten or electronic signature and the data related to one other type of recognized biometric identifier; and
 - (5) Be capable of printing and providing electronic copies of any entry, including images of handwritten signatures and the data related to the other selected type of recognized biometric identifier.
2. In maintaining an electronic journal of remote online notarial acts, a remote online notary public shall comply with the applicable prescriptions and prohibitions regarding the copying, security, surrender, and disposition of a journal as set forth in sections 486.710 to 486.715 and sections 486.795 to 486.800.
3. Every remote online notary public maintaining an electronic journal of electronic notarial acts pursuant to section 486.1180 shall:
- (1) Provide to the secretary authorization on the registration form described in section 486.1130 and the access instructions that allow journal entries to be viewed, printed, and copied in read-only access; and
 - (2) Notify the secretary of any subsequent change to the access instructions.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

4. A remote online notary public maintaining an electronic journal of remote online notarial acts shall keep the entry for a period of no less than ten years from the date of the entry and shall also keep a record of remote online notarial acts in a permanently bound journal as set forth in sections 486.700 and 486.705.

486.1195. AUDIO AND VIDEO RECORDING OF PERFORMANCE OF NOTARIAL ACTS, WHEN, REQUIREMENTS. — 1. The remote online notary public shall create an audio and video recording of the performance of the notarial act.

2. The recording required by this section shall be maintained for at least ten years after the date of the transaction or proceeding.

3. The secretary of state shall promulgate rules establishing standards for the retention of a video and audio recording of the performance of the notarial act. Such rules shall be subject to the limitations in section 486.830.

4. (1) The remote online notary public may designate as custodian of the recording and the electronic journal:

(a) The employer of the remote online notary public if evidenced by a record signed by the remote online notary public and the employer; or

(b) A repository meeting the standards established by the secretary of state.

(2) An employer or other repository acting as the custodian of a recording or an electronic journal under this subsection shall comply with all statutory requirements regarding retention and disclosure of recordings and electronic journals applicable to notaries.

486.1200. SAFEGUARDING ELECTRONIC DOCUMENTS, SIGNATURE, AND SEAL. — 1. A remote online notary public shall keep the remote online notary public's electronic document, electronic signature, and electronic seal secure and under the remote online notary public's exclusive control, which requirement may be satisfied by password controlled access. The remote online notary public shall not allow another person to use the remote online notary public's electronic document, electronic signature, or electronic seal.

2. A remote online notary public shall attach the remote online notary public's electronic signature and seal to the electronic notarial certificate of an electronic document in a manner that is capable of independent verification and renders any subsequent change or modification to the electronic document evident.

486.1205. REMOTE ONLINE NOTARY — RESIGNATION, REVOCATION, EXPIRATION, OR DEATH — PROCEDURE. — Upon resignation, revocation, or expiration of a notary commission, or death of the remote online notary:

(1) The journal and notarial records shall be delivered to the secretary in accordance with section 486.795 or section 486.800 by any means providing a tangible receipt, including certified mail and electronic transmission, allowing that an electronic journal may be delivered on disk, printed on paper, or transmitted electronically, in accordance with the requirements of the secretary; and

(2) In the case of an electronic journal and its backup copy whose disks or other physical storage media are not required to be surrendered, no further entries shall be made in the journal and its backup, both of which shall be safeguarded until both shall be erased or expunged after ten years from the date of the last entry by the notary or the notary's personal representative.

578.700. NOTARIES AND NOTARIAL ACTS — PROHIBITED ACTS — VIOLATIONS, PENALTIES. — 1. For purposes of this section, all definitions from section 486.600 shall apply.

2. In performing a notarial act, a notary shall be guilty of a misdemeanor, punishable upon conviction by a fine not exceeding five hundred dollars or imprisonment for not more than six months, or both, for knowingly:

- (1) Failing to require the presence of a principal at the time of a notarial act;
- (2) Failing to identify a principal through personal knowledge or satisfactory evidence; or
- (3) Executing a false notarial certificate under subsection 1 of section 486.660.

3. A notary who knowingly performs any other act prohibited by chapter 486 or fails to perform any other act required by chapter 486 shall be guilty of a misdemeanor, punishable upon conviction by a fine not exceeding five hundred dollars or imprisonment for not more than six months, or both.

4. Any person who is not a notary and who knowingly acts as or otherwise impersonates a notary shall be guilty of a misdemeanor, punishable upon conviction by a fine not exceeding five hundred dollars or imprisonment for not more than six months, or both.

5. Any person who knowingly obtains, conceals, defaces, or destroys the seal, journal, or official records of a notary shall be guilty of a misdemeanor, punishable upon conviction by a fine not exceeding five hundred dollars.

6. Any person who knowingly solicits, coerces, or in any way influences a notary to commit official misconduct shall be guilty of a misdemeanor, punishable upon conviction by a fine not exceeding five hundred dollars.

7. Any person who knowingly obtains, conceals, damages, or destroys the coding, disk, certificate, card, token, program, software, or hardware that is intended exclusively to enable an electronic notary public to produce a registered electronic signature, notary seal, or single element combining the required features of an electronic signature and notary seal, shall be guilty of a misdemeanor, punishable upon conviction by a fine not exceeding five hundred dollars or imprisonment for not more than six months, or both.

8. The penalties of this section shall not preclude other sanctions and remedies provided by law.

[486.200. DEFINITIONS.— As used in sections 486.200 to 486.405:

- (1) "County" means any of the several counties of this state or the city of St. Louis;
- (2) "County clerk" means any of the several county clerks of this state or the clerk of the circuit court in the city of St. Louis;
- (3) "Facsimile" means an exact copy preserving all the written or printed marks of the original;
- (4) "Notarization" means the performance of a notarial act;
- (5) "Notary public" and "notary" means any person appointed and commissioned to perform notarial acts, including any attorney licensed to practice law in this state;
- (6) "Official misconduct" means the wrongful exercise of a power or the wrongful performance of a duty. The term "wrongful" as used in the definition of official misconduct means unauthorized, unlawful, abusive, negligent, reckless, or injurious.]

[486.205. NOTARY PUBLIC, HOW APPOINTED.— Upon application, the secretary of state may appoint and commission individual persons as notaries public in each of the several counties in this state. The secretary of state may not appoint and commission as a notary public any person who submits an application containing substantial and material misstatement or omission of fact.]

[486.210. NOTARY'S AUTHORITY TO BE STATEWIDE.— Each notary public may perform notarial acts anywhere within this state.]

[486.215. TERM OF OFFICE.— Each notary public may perform notarial acts for a term of four years from the date of his commission, unless sooner removed.]

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.

Matter in bold-face type is proposed language.

[486.220. QUALIFICATIONS FOR NOTARY.] — 1. Each person appointed and commissioned as a notary public shall, except as provided for in subsection 2 of this section:

- (1) Be at least eighteen years of age;
- (2) Be a registered voter of the county within and for which he is commissioned; or a resident alien of the United States;
- (3) Have a residence address in the county within and for which he is commissioned;
- (4) Be able to read and write the English language; and
- (5) Not have had his commission revoked during the past ten years; or
- (6) In lieu of the requirements contained in subdivisions (1) to (5) of this subsection, a person who is appointed and commissioned a notary public pursuant to subsection 2 of this section may be appointed and commissioned pursuant to this subsection upon becoming a resident of Missouri.

2. Any person who does not qualify under subsection 1 of this section may nonetheless be appointed and commissioned as a notary public provided that person:

- (1) Is at least eighteen years of age;
- (2) Works in Missouri and will use the notary seal in the course of his employment in Missouri;
- (3) Has a work address in the county within and for which he is commissioned;
- (4) Is able to read and write the English language;
- (5) Has not had a notary commission revoked in any state during the past ten years; and
- (6) Authorizes the secretary of state as the agent and representative of such person to accept service of any process or service of any notice or demand required or permitted by law to be served upon such person.

3. A notary public is not a public officer within the meaning of Article VII of the Missouri Constitution.]

[486.225. APPLICATION, FORM OF, FEE — RENEWAL.] — 1. Upon a form prepared by the secretary of state, each applicant for appointment and commission as a notary public shall swear, under penalty of perjury, that the answers to all questions on the application are true and complete to the best of the applicant's knowledge and that the applicant is qualified to be appointed and commissioned as a notary public. The completed application form shall be filed with the secretary of state.

2. With the person's application, each applicant for appointment and commission as a notary public shall submit to the secretary of state a commission fee of fifteen dollars.

3. Each applicant for appointment and commission as a notary public shall state in the application whether or not the applicant has ever been convicted of or pled guilty or nolo contendere to any felony, or to any misdemeanor incompatible with the duties of a notary public and if so, shall attach a list of such convictions or pleas of guilt or nolo contendere.

4. Each applicant for a renewal appointment and commission as a notary public may apply for such renewal appointment in a manner prescribed by the secretary of state.

5. The secretary of state may prohibit, for a period not less than thirty days and not more than one year, a new applicant or renewal from reapplying for an appointment and commission as a notary public following the rejection of such applicant's application by the secretary of state.

6. Prior to submitting an application to the secretary of state, each new applicant or renewal for appointment and commission as a notary public shall read the Missouri notary public handbook and complete a computer-based notary training or other notary training in a manner prescribed by the secretary of state. Each new applicant or renewal applicant shall attest to reading such handbook and receiving such training pursuant to this subsection at the time of submitting the application for appointment and commission as a notary public.]

~~[486.230. COMMISSION TO BE ISSUED, WHEN — CONTENTS. — Upon receipt of a completed application, proper endorsements and the correct fee, the secretary of state, if satisfied the applicant is qualified to be appointed and commissioned as a notary public, shall prepare a notary commission for the applicant and forward the commission to the county clerk in the county of the applicant's residence. Each commission shall contain the applicant's name, the county within and for which he is to be commissioned, the date upon which the commission takes effect and the date upon which it expires.]~~

~~[486.235. BOND REQUIRED — OATH, FORM OF. — 1. During his or her term of office each notary public shall maintain a surety bond in the sum of ten thousand dollars with, as surety thereon, a company qualified to write surety bonds in this state. The bond shall be conditioned upon the faithful performance of all notarial acts in accordance with this chapter. Each notary public shall notify the secretary of state of changes on or riders to the bond.~~

~~2. Before receiving his or her commission, each applicant shall submit to the county clerk of the county within and for which he or she is to be commissioned, an executed bond commencing at least ninety days after the date he or she submitted the application to the secretary of state with a term of four years, which shall consist of the dates specified on the applicant's commission.~~

~~3. Before receiving his or her commission, each applicant shall take the following oath in the presence of the county clerk:~~

~~I, _____ (name of applicant), solemnly swear, under the penalty of perjury, that I have carefully read the notary law of this state, and if appointed and commissioned as a notary public, I will uphold the Constitution of the United States and of this state and will faithfully perform to the best of my ability all notarial acts in conformance with the law.~~

~~_____ (signature of applicant)~~

~~Subscribed and sworn to before me this _____ day of _____, 20 _____~~

~~_____ (signature of county clerk)~~

~~4. Before receiving his or her commission, each applicant shall submit to the county clerk a handwritten specimen of the applicant's official signature which contains his or her surname and at least the initial of the applicant's first name.~~

~~5. Immediately after receiving the bond and official signature and witnessing the oath, the county clerk shall award to the applicant his or her commission as a notary public.]~~

~~[486.240. FAILURE OF APPLICANT TO APPEAR AND QUALIFY, EFFECT OF. — If the person for whom a commission is issued fails to appear and qualify within ninety days after the commission is issued, the county clerk shall note the failure on the commission and return it within thirty days of such failure to the secretary of state. The secretary of state shall immediately cancel and annul the commission. The secretary of state may prohibit, for a period not less than thirty days and not more than one year, such person from reapplying for an appointment and commission as a notary public following the failure to appear and qualify within ninety days after the commission is issued.]~~

~~[486.245. REGISTER OF NOTARIES TO BE KEPT — BOND, SIGNATURE AND OATH TO SECRETARY OF STATE — SECRETARY OF STATE NOTARY SEAL DATABASE. — 1. The county clerk shall keep a register, listing the name and address of each person to whom he awards a notary commission and the date upon which he awards the commission. Within thirty days after receiving a bond, signature and oath, the county clerk shall forward the bond, signature and oath to the secretary of state by certified mail. All such bonds, signatures and oaths shall be preserved permanently by the secretary of state.~~

~~2. The secretary of state shall maintain a database that includes, but is not limited to, information that is contained on each notary's seal or any lost seal of a notary public.]~~

[486.250. POWERS OF NOTARY.] — Each notary public is empowered to

- (1) Take acknowledgments;
- (2) Administer oaths and affirmations;
- (3) Certify that a copy of a document is a true copy of another document; and
- (4) Perform any other act permitted by law.]

[486.255. NOTARY DISQUALIFIED, WHEN.] — 1. For the purposes of this chapter, a notary public has a disqualifying interest in a transaction in connection with which notarial services are requested if he is named, individually, as a party to the transaction.

2. No notary who has a disqualifying interest in a transaction may legally perform any notarial act in connection with the transaction.]

[486.260. NOTARY TO KEEP JOURNAL — EXCEPTIONS.] — Each notary public shall provide and keep a permanently bound journal of his or her notarial acts containing numbered pages, except those notarial acts connected with judicial proceedings, and those for whose public record the law provides and the public record is publicly filed within ninety days of execution. Each notary public shall record in such journal the following: the month, day, and year of notarization; the type of notarization such as acknowledgment or jurat; the type of document; the name and address of the signer; the identification used by the signer; the notary fee; and the signature of the signer.]

[486.265. CERTIFIED COPY OF NOTARY RECORD, WHEN GIVEN, FEE — JOURNAL TO BE KEPT.] — Every notary shall keep a true and perfect record of his or her official acts in a permanently bound journal, except those connected with judicial proceedings, and those for whose public record the law provides and the public record as defined in section 610.010 is publicly filed within ninety days of execution. Every notary shall make and keep an exact minute, in a permanently bound journal kept by him or her for that purpose, of each of his or her official acts, except as herein provided. The journal is the exclusive property of the notary.]

[486.270. COPIES OF NOTARIAL ACTS FURNISHED ON COURT ORDER — FEE.] — Each notary public, upon written court order, shall furnish facsimiles of entries made in his journal of notarial acts or any other papers or copies relating to his notarial acts, upon receipt of a fee of one dollar per 8 1/2 x 11 inch page or part of a page.]

[486.275. SIGNATURE OF NOTARY REQUIRED, WHEN — ELECTRONIC SIGNATURE SUFFICIENT, WHEN, — RULEMAKING AUTHORITY.] — 1. At the time of notarization a notary public shall sign his or her official signature on each notary certificate.

2. If a signature or record is required to be notarized, acknowledged, verified, or made under oath, notwithstanding the provisions of section 486.285 to the contrary, the requirement is satisfied if the electronic signature of the person authorized to perform such acts, together with all other information required to be included, is attached to or logically associated with the signature or record.

3. The secretary of state shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2016, shall be invalid and void.]

~~[486.280. PRINTED INFORMATION REQUIRED ON NOTARY CERTIFICATE. — On every notary certificate, a notary public shall indicate clearly and legibly, in print not smaller than eight point type and by means of rubber stamp, typewriting or printing, so that it is capable of photographic reproduction:~~

- ~~(1) His or her name exactly as it appears on the commission;~~
- ~~(2) The words "Notary Public", "State of Missouri", and "My commission expires _____ (commission expiration date)";~~
- ~~(3) The name of the county within which he or she is commissioned; and~~
- ~~(4) A commission number, provided that the notary public has been issued a commission number by the secretary of state. Effective August 28, 2004, the secretary of state shall issue a commission number for all new and renewal notary appointments.]~~

~~[486.285. NOTARY PUBLIC SEAL MANUFACTURER REGISTRATION, PENALTY FOR VIOLATION — SEAL, CONTENTS, FORM — APPLICATION — PROPERTY OF NOTARY. — 1. (1)~~

~~A manufacturer of a notary public's seal shall register with the secretary of state and communicate to the secretary of state when it has issued a seal to a person in this state. After such communication, the secretary of state shall approve any seal issued by the manufacturer within ten days.~~

~~(2) A copy of the notary's commission shall be maintained by such manufacturer.~~

~~(3) If a manufacturer violates the provisions of this subsection, the manufacturer shall be subject to a one thousand dollar fine for each violation.~~

~~2. Each notary public shall provide, keep, and use a seal which is either an engraved embosser seal or a black inked rubber stamp seal to be used on the document being notarized. The seal shall contain the notary's name exactly as indicated on the commission and the words "Notary Seal", "Notary Public", and "State of Missouri" and, after August 28, 2004, the commission number assigned by the secretary of state, provided that the notary public has been issued a commission number by the secretary of state, all of which shall be in print not smaller than eight point type.~~

~~3. The indentations made by the seal embosser or printed by the black inked rubber stamp seal shall not be applied on the notarial certificate or document to be notarized in a manner that will render illegible or incapable of photographic reproduction any of the printed marks or writing on the certificate or document.~~

~~4. Every notary shall keep an official notarial seal that is the exclusive property of the notary and the seal may not be used by any other person or surrendered to an employer upon termination of employment.]~~

~~[486.290. ILLEGIBILITY OF CERTIFICATE, EFFECT OF — The illegibility of any of the information required by sections 486.280, 486.285 and 486.290 does not affect the validity of the transaction.]~~

~~[486.295. CHANGE OF ADDRESS, NOTICE OF, EFFECT OF. — Any notary public who changes the address of his or her residence in the county within and for which he or she is commissioned shall forthwith mail or deliver within thirty days of such change a notice of the fact to the secretary of state including his or her old address and current address. The notary's commission shall remain in effect until its expiration date, unless sooner revoked.]~~

~~[486.300. CHANGE OF NAME BY NOTARY, NOTICE TO SECRETARY OF STATE, PROCEDURE, FEE — SIGNATURE, HOW SIGNED. — Any notary public who lawfully changes his or her name shall forthwith request within thirty days of such change an amended commission from the secretary of state and shall send to the secretary of state five dollars, his or her current commission, and a notice of change form provided by the secretary of state, which shall include his or her new name and contain a specimen of his or her official signature. The secretary of state shall issue an amended commission to the notary~~

public in his or her new name and shall notify the clerk of the county within and for which the notary is commissioned. After requesting an amended commission, the notary may continue to perform notarial acts in his or her former name, until he or she receives the amended commission.]

~~[486.305. LOSS OF SEAL OR JOURNAL, NOTICE TO SECRETARY OF STATE — NEW COMMISSION ISSUED, NOTICE TO PUBLIC — DESTRUCTION OF SEAL, NOTICE TO SECRETARY OF STATE]~~ 1. Any notary public who loses or misplaces his or her journal of notarial acts or official seal shall immediately provide written notice of the fact to the secretary of state. For a lost or misplaced official seal, upon receipt of the written notice, the secretary of state shall issue the notary a new commission number for the notary to order a new seal. The secretary of state may post notice on the secretary of state's website notifying the general public that the lost or misplaced notary seal and commission number of such notary is invalid and is not an acceptable notary commission number.

2. If a notary public's official seal is destroyed, broken, damaged, or otherwise rendered inoperable, the notary shall immediately provide written notice of that fact to the secretary of state.]

~~[486.310. RESIGNATION, NOTICE TO PUBLIC, FUTURE APPLICATIONS — AMENDMENT OF COMMISSION]~~ 1. If any notary public no longer desires to be a notary public, he or she shall forthwith mail or deliver to the secretary of state a letter of resignation and his or her notary seal, and his or her commission shall thereupon cease to be in effect. The secretary of state may post notice on the secretary of state's website notifying the general public that the notary is no longer a commissioned notary public in the state of Missouri. If a notary public resigns following the receipt of a complaint by the secretary of state regarding the notary public's conduct, the secretary of state may deny any future applications by such person for appointment and commission as a notary public.

2. If any notary public seeks to amend his or her commission, he or she shall forthwith mail or deliver to the secretary of state his or her notary seal unless a person, business, or manufacturer alters the existing seal in compliance with subsection 4 of section 486.285.]

~~[486.315. REMOVAL FROM COUNTY OF RESIDENCE, EFFECT OF — AMENDED COMMISSION, WHEN, PROCEDURE, FEE]~~ If a notary public has ceased to have a residence address in the county within and for which he or she is commissioned, the commission shall thereupon cease to be in effect, unless the secretary of state issues an amended commission. When a notary public, who has established a residence address in a county of the state other than the county in which he or she was first commissioned, requests an amended commission within thirty days of changing the notary's county of residence, delivers his or her current commission, notice of change form, and five dollars to the secretary of state, the secretary of state shall issue an amended commission to the notary public, for the county in which his or her new residence is located and shall notify the county clerk of the county where the notary's new address is located. After requesting an amended commission within thirty days of changing the notary's county of residence, the notary may continue to perform notarial acts with certificates showing the county within and for which he or she is commissioned, until the notary receives his or her amended commission.]

~~[486.320. NOTICE OF REVOCATION OF COMMISSION, COMPLIANCE WITH]~~ If any notary public receives notice from the secretary of state that his commission has been revoked, the person whose commission is revoked shall forthwith mail or deliver to the secretary of state his commission.]

~~[486.325. AUTOMATIC REAPPOINTMENT PROHIBITED]~~ 1. No person may be automatically reappointed as a notary public.

2. Each notary public who is an applicant for reappointment as a notary public shall re comply with the provisions of sections 486.225 and 486.235.]

[486.330. FORM OF ACKNOWLEDGMENTS.]— Except as otherwise provided in section 442.210, certificates of acknowledgment shall be in print not smaller than eight point type and in substantially the following form:

(1) By an Individual.

State of _____, County (and/or City) of _____

On this _____ day of _____ in the year _____ before me, _____ (name of notary), a Notary Public in and for said state, personally appeared _____ (name of individual), known to me to be the person who executed the within _____ (type of document), and acknowledged to me that _____ (he/she) executed the same for the purposes therein stated.

(2) By a Partner.

State of _____, County (and/or City) of _____

On this _____ day of _____ in the year _____ before me, _____ (name of notary), a Notary Public in and for said state, personally appeared _____ (name of partner) of _____ (name of partnership), known to me to be the person who executed the within _____ (type of document) in behalf of said partnership and acknowledged to me that he or she executed the same for the purposes therein stated.

_____ (official signature and official seal of notary)

(3) By a Corporate Officer.

State of _____, County (and/or City) of _____

On this _____ day of _____ in the year _____ before me, _____ (name of notary), a Notary Public in and for said state, personally appeared _____ (name of officer), _____ (title of person, president, vice president, etc.), _____ (name of corporation), known to me to be the person who executed the within _____ (type of document) in behalf of said corporation and acknowledged to me that he or she executed the same for the purposes therein stated.

_____ (official signature and official seal of notary)

(4) By an Attorney in Fact for Principal or Surety.

State of _____, County (and/or City) of _____

On this _____ day of _____, in the year _____ before me, _____ (name of notary), a Notary Public in and for said state, personally appeared _____ (name of attorney in fact), Attorney in Fact for _____ (name of principal or surety), known to me to be the person who executed the within _____ (type of document) in behalf of said principal (or surety), and acknowledged to me that he or she executed the same for the purposes therein stated.

_____ (official signature and official seal of notary)

(5) By a Public Officer, Deputy, Trustee, Administrator, Guardian or Executor.

State of _____, County (and/or City) of _____

On this _____ day of _____, in the year _____, before me _____ (name of notary), a Notary Public in and for said state, personally appeared _____ (name of person), _____, (person's official title) known to me to be the person who executed the within _____ (type of document) in behalf of _____ (public corporation, agency, political subdivision or estate) and acknowledged to me that he or she executed the same for the purposes therein stated.

_____ (official signature and official seal of notary)

(6) By a United States Citizen Who is Outside of the United States. (description or location of place where acknowledgment is taken)

On this _____ day of _____, in the year _____, before me _____ (name and title of person acting as a notary and refer to law or authority granting power to act as a notary), personally appeared _____ (name of citizen) known to me to be the person who executed the within _____ (type of document) and acknowledged to me that _____ (he/she) executed the same for the purposes therein stated.

____ (official signature and official seal of person acting as a notary and refer to law or authority granting power to act as a notary)

(7) By An Individual Who Cannot Write His or Her Name.

State of _____, County (and/or City) of _____

On this _____ day of _____ in the year _____, before me _____ (name of notary), a Notary Public in and for said state, personally appeared _____ (name of individual), known to me to be the person who, being unable to write his or her name, made his or her mark in my presence.

I signed his or her name at his or her request and in that person's presence on the within _____ (type of document) and he or she acknowledged to me that he or she made his or her mark on the same for the purposes therein stated.

____ (official signature and official seal of notary)

(8) By a Manager or Member.

State of _____, County (and/or City) of _____

On this _____ day of _____ in the year _____ before me, _____ (name of notary), a Notary Public in and for said state, personally appeared _____ (name of manager or member) of _____ (name of limited liability company), known to me to be the person who executed the within _____ (type of document) in behalf of said limited liability company and acknowledged to me that he or she executed the same for the purposes therein stated.

____ (official signature and official seal of notary)]

[486.335. AFFIRMATIONS, FORM OF. — Affirmations shall be in type not smaller than eight-point and in substantially the following form:

(1) If the affirmation to be administered by the notary public is in writing and the person who took the affirmation has signed his or her name thereto, the notary public shall write or print under the text of the affirmation the following:

"Subscribed and affirmed before me this _____ day of _____, 20 _____"

____ (official signature and official seal of notary).

(2) If the affirmation to be administered by the notary public is not in writing, the notary public shall address the affirmer substantially as follows:

"You do solemnly affirm, under the penalty of perjury, that the testimony you shall give in the matter in issue, pending between _____ and _____, shall be the truth, the whole truth, and nothing but the truth.".]

[486.340. EXECUTING WITNESS DEFINED — FORM OF AFFIDAVIT OF EXECUTING WITNESS.

— 1. As used in this section, the words "executing witness" means an individual who acts in the place of a notary.

2. An executing witness may not be related by blood or marriage or have a disqualifying interest as defined in section 486.255.

3. The affidavit of executing witness for acknowledgment by an individual who does not appear before a notary shall be in type not smaller than eight point and in substantially the following form:

I, _____ (name of executing witness), do solemnly affirm under the penalty of perjury, that _____ (name of person who does not appear before a notary), personally known to me, has executed the within _____ (type of document) in my presence, and has acknowledged to me that _____ (he/she) executed the same for the purposes therein stated and requested that I sign my name on the within document as an executing witness.

____ (signature of executing witness)

Subscribed and affirmed before me this _____ day of _____, 20 _____

____ (official signature and official seal of notary)]

[486.345. FACSIMILE MAY BE CERTIFIED—FORM OF CERTIFICATION.]— 1. A notary public may certify a facsimile of a document if he or she receives a signed written request stating that a certified copy or facsimile, preparation of a copy, or certification of a copy of the document does not violate any state or federal law.

2. Each notary public shall retain a facsimile of each document he or she has certified as a facsimile of another document, together with other papers or copies relating to his or her notarial acts.

3. The certification of a facsimile shall be in type not smaller than eight point and in substantially the following form:

State of _____ County (and/or City) of _____

I, _____ (name of notary), a Notary Public in and for said state, do certify that on _____ (date) I carefully compared the attached facsimile of _____ (type of document) and the facsimile I now hold in my possession. They are complete, full, true and exact facsimiles of the document they purport to reproduce.

_____ (official signature and official seal of notary)]

[486.350. MAXIMUM FEES—OVERCHARGES OR CHARGE FOR ABSENTEE BALLOTS, EFFECT OF—TRAVEL FEE CHARGED, WHEN.]— 1. The maximum fee in this state for notarization of each signature and the proper recording thereof in the journal of notarial acts is two dollars for each signature notarized.

2. The maximum fee in this state for certification of a facsimile of a document, and the proper recordation thereof in the journal of notarial acts is two dollars for each 8 1/2 x 11 inch page retained in the notary's file.

3. The maximum fee in this state is one dollar for any other notarial act performed.

4. No notary shall charge or collect a fee for notarizing the signature on any absentee ballot or absentee voter registration.

5. A notary public who charges more than the maximum fee specified or who charges or collects a fee for notarizing the signature on any absentee ballot or absentee voter registration is guilty of official misconduct.

6. A notary public may charge a travel fee, not to exceed the approved federal mileage rate and may charge an expedited convenience service fee not to exceed twenty five dollars, when traveling to perform a notarial act, provided that:

(1) The notary explains to the person requesting the notarial act that the travel fee is separate from the notarial fee and is not specified or mandated by law; and

(2) The notary and the person requesting the notarial act agree upon his or her fees in advance of the notary affixing his or her official seal.]

[486.355. LIABLE IN DAMAGES, WHEN.]— A notary public and the surety or sureties on his bond are liable to the persons involved for all damages proximately caused by the notary's official misconduct.]

[486.360. EMPLOYER OF A NOTARY PUBLIC LIABLE, WHEN.]— The employer of a notary public is also liable to the persons involved for all damages proximately caused by the notary's official misconduct, if:

(1) The notary public was acting within the scope of his employment at the time he engaged in the official misconduct; and

(2) The employer consented to the notary public's official misconduct.]

[486.365. SOLE CAUSE NOT NECESSARY TO ESTABLISH NOTARY'S LIABILITY.] — It is not essential to a recovery of damages that a notary's official misconduct be the only proximate cause of the damages.]

[486.370. PENALTY FOR NOTARY'S MISCONDUCT.] — 1. A notary public who knowingly and willfully commits any official misconduct is guilty of a misdemeanor and is punishable upon conviction by a fine not exceeding five hundred dollars or by imprisonment for not more than six months or both.

2. A notary public who recklessly or negligently commits any official misconduct is guilty of a misdemeanor and is punishable upon conviction by a fine not exceeding one hundred dollars.]

[486.375. IMPERSONATION OF A NOTARY, PENALTY FOR.] — Any person who acts as, or otherwise willfully impersonates, a notary public while not lawfully appointed and commissioned to perform notarial acts is guilty of a misdemeanor and punishable upon conviction by a fine not exceeding five hundred dollars or by imprisonment for not more than six months or both, unless such act results in a fraudulent act involving property, such person shall be guilty of a class E felony.]

[486.380. — UNLAWFUL POSSESSION OF NOTARY SEAL, JOURNAL OR PAPERS A MISDEMEANOR, PENALTY.] — Any person who unlawfully possesses a notary's journal, official seal or any papers or copies relating to notarial acts, is guilty of a misdemeanor and is punishable upon conviction by a fine not exceeding five hundred dollars.]

[486.385. GROUNDS FOR REVOCATION OF COMMISSION.] — 1. The secretary of state may reject an application or revoke the commission of any notary public who prior to being commissioned or during the current term of appointment:

(1) Submits an application for commission and appointment as a notary public which contains substantial and material misstatement of facts;

(2) Is convicted of any felony or official misconduct under this chapter;

(3) Fails to exercise the powers or perform the duties of a notary public in accordance with this chapter, or fails otherwise to comply with the provisions of this chapter;

(4) Is adjudged liable or agrees in a settlement to pay damages in any suit grounded in fraud, misrepresentation, impersonation, or violation of the state regulatory laws of this state, if his or her liability is not solely by virtue of his or her agency or employment relationship with another who engaged in the act for which the suit was brought;

(5) Uses false or misleading advertising wherein he or she represents or implies, by virtue of the title of notary public, that he or she has qualifications, powers, duties, rights, or privileges that he or she does not possess by law;

(6) Engages in the unauthorized practice of law;

(7) Ceases to be a citizen of the United States;

(8) Ceases to be a registered voter of the county within and for which he or she is commissioned;

(9) Ceases to have a residence address in the county within and for which he or she is commissioned, unless he or she has been issued an amended commission;

(10) Becomes incapable of reading or writing the English language;

(11) Fails to maintain the surety bond required by section 486.235.

2. A notary's commission may be revoked under the provisions of this section if action is taken subject to the rights of the notary public to notice, hearing, adjudication and appeal. The secretary of state shall have further power and authority as is reasonably necessary to enable the secretary of state to administer this chapter efficiently and to perform the duties therein imposed upon the secretary of state, including immediate suspension of a notary upon written notice sent by certified mail if the situation is

deemed to have a serious unlawful effect on the general public; provided, that the notary public shall be entitled to hearing and adjudication as soon thereafter as is practicable.]

~~[486.390. UNAUTHORIZED PRACTICE OF LAW BY NOTARY, REMEDY FOR. — 1. Upon his own information or upon complaint of any person, the attorney general, or his designee, may maintain an action for injunctive relief in the circuit court of Cole County against any notary public who renders, offers to render, or holds himself out as rendering any service constituting the unauthorized practice of the law. Any organized bar association in this state may intervene in the action, at any stage of the proceeding, for good cause shown. The action may also be maintained by an organized bar association in this state.~~

~~2. The remedies provided in subsection 1 of this section are in addition to, and not in substitution for, other available remedies.]~~

~~[486.395. CERTIFICATION OF NOTARY'S AUTHORITY BY THE SECRETARY OF STATE, FEE, FORM. — Upon the receipt of a written request, the notarized document and a fee of ten dollars payable to the director of revenue, the secretary of state shall provide a certificate of authority in type not smaller than eight point and in substantially the following form:~~

~~I, _____ (appointing state official, or local or district office designated by appointing state official, name and title) of the State of (name of state) which office is an office of record having a seal, certify that _____ (notary's name), by whom the foregoing or annexed document was notarized, was, at the time of the notarization of the same, a Notary Public authorized by the laws of this State to act in this State and to notarize the within _____ (type of document), and I further certify that the Notary's signature on the document is genuine to the best of my knowledge, information, and belief and that such notarization was executed in accordance with the laws of this State.~~

~~In testimony whereof, I have affixed my signature and seal of this office this _____ day of _____, 20_____~~

~~_____ (secretary of state's signature, title, jurisdiction, address and the seal affixed near the signature)]~~

~~[486.396. NOTARY SEAL STOLEN, PROCEDURE. — If the notary's notary seal has been stolen, the notary shall immediately notify the secretary of state in writing to report the theft. Upon receipt of the written documentation, the secretary of state shall issue the notary a new commission number for the notary to order a new seal. The secretary of state may post notice on the secretary of state's website notifying the general public that the notary seal of such notary with the stolen commission number is invalid and is not an acceptable notary commission number.]~~

~~[486.405. TERM OF NOTARY NOT TO BE DIMINISHED, EXCEPTION. — Nothing in sections 486.200 to 486.405 shall be construed in any way as interfering with or discontinuing the term of office of any person now serving as a notary public until the term for which he was commissioned has expired, or until he has been removed pursuant to the provisions of sections 486.200 to 486.405.]~~

Approved July 6, 2020

SS SCS HCS HB 1682

Enacts provisions relating to health care, with penalty provisions and an emergency clause for a certain section.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

AN ACT to repeal sections 190.092, 190.094, 190.105, 190.143, 190.196, 190.606, 190.612, 191.775, 191.1146, 192.2305, 195.070, 195.417, 196.990, 205.202, 208.909, 208.151, 208.918, 208.924, 338.035, 338.210, 338.220, 338.260, 344.030, 345.050, 376.383, 376.387, 376.782, 376.945, 376.1345, 376.1578, 579.060, and 610.100, RSMo, and to enact in lieu thereof fifty-six new sections relating to health care, with penalty provisions and an emergency clause for a certain section.

SECTION

A	Enacting clause.
9.152	Mental health awareness month designated for the month of May.
9.166	Minority mental health awareness month designated for the month of July.
9.182	Deaf awareness month designated for the month of September.
9.300	Buddy Check 22 day designated for the twenty-second day of each month.
143.1160	Long-term dignity savings account tax deduction — definitions — deduction amount — rulemaking authority — sunset provision.
190.092	Defibrillators, requirements — good faith immunity from civil liability, when — all basic life support ambulances and stretcher vans to be equipped with.
190.094	Minimum ambulance staffing — volunteer defined.
190.105	Ambulance license required, exceptions — operation of ambulance services — sale or transfer of ownership, notice required.
190.143	Temporary emergency medical technician license granted, when — limitations — expiration.
190.196	Employer to comply with requirements of licensure — report of charges filed against licensee, when.
190.606	Immunity from liability, what persons and entities.
190.612	Emergency medical services personnel to comply with order, when — physician to transfer patient, when.
190.1005	CPR training or courses to include instruction on proper use of automated external defibrillators.
191.775	Public schools and school buses — smoking, or tobacco or vapor product use prohibited — permissible use of tobacco, where.
191.940	Citation of law — definitions — hospitals and ambulatory surgical centers to provide information about postpartum depression.
191.1146	Physician-patient relationship required, how established.
191.1601	Citation of law.
191.1603	Definitions.
191.1604	Long-term dignity savings account, use, requirements.
191.1605	Accounts, use of moneys — withdrawals, recapture — death of account holder, effect of.
191.1606	Reporting, forms — rulemaking authority.
191.1607	Financial institutions, requirements — no responsibility or liability, when.
192.2305	Office of state ombudsman for long-term care facility and veterans' home residents created in department of health and senior services — purpose — powers and duties.
195.070	Prescriptive authority.
195.417	Limit on sale or dispensing of certain drugs, exceptions — prescription for certain substances not required, when, expiration when — local ordinances, state law to supercede and preempt — violations, penalty.
195.805	Edible marijuana — infused products, restrictions on design and shape — THC stamp required, when — violations, penalty — rulemaking authority.
195.815	Fingerprinting requirements, medical marijuana facilities — definitions.
196.990	Epinephrine auto-injectors, authorized entities may stock supply — definitions — procedure — immunity from liability — applicability.
196.1050	Opioid addiction treatment, any opioid-related settlement moneys to be used for — fund established.

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205.202	Certain districts may impose sales tax instead of property tax — vote required — fund created, use of moneys — repeal of tax — dissolution of district, effect of (Ripley County).
208.151	Medical assistance, persons eligible — rulemaking authority — waivers — military members eligibility, temporary suspension, when.
208.909	Responsibilities of recipients and vendors.
208.918	Vendor requirements, philosophy and services.
208.924	Discontinuation of services, when.
208.935	Assessment tool, home and community-based services.
321.621	Epinephrine auto-injector devices, statewide standing order issued for certain areas, when — limitation on possession and use — fund created.
338.035	Application, contents — intern pharmacist — board shall promulgate rules, procedure.
338.210	Pharmacy defined — practice of pharmacy to be conducted at pharmacy location — rulemaking authority.
338.215	Remote dispensing site pharmacy — definitions — requirements — supervision — location — staffing — license required, when — rulemaking authority.
338.220	Operation of pharmacy without permit or license unlawful — application for permit, classifications, fee — duration of permit.
338.260	Business name not to include certain words unless supervised by pharmacist — historical names permitted — board of pharmacy may enforce — remote dispensing site pharmacy, physical presence of pharmacist not required, when..
344.030	License, qualifications, fee, examination, term — emergency license.
345.050	Requirements to be met for license.
376.383	Health care claims for reimbursement, how paid, when — definitions — clean claims, procedure — unpaid claims, procedure — fraudulent claims, notification to the department, procedure — requests for additional information, contents.
376.387	Pharmacy benefits manager, limitations and restrictions — enforcement.
376.393	Pharmacy benefits manager, license required — definitions — complaints, procedure.
376.782	Mammography — low-dose screening, defined — health care policies to provide required coverage.
376.945	Escrow account, amount required — principal, how released, investment.
376.1345	Method of reimbursement not to require fee, discount, or remuneration — notification requirements — electronic funds transfer, when — overpayment, procedure — violation, penalty.
376.1578	Credentialing procedure, health carrier duties — covered health services, payment, when — violations, mechanism for reporting.
579.060	Unlawful sale, distribution, or purchase of over-the-counter methamphetamine precursor drugs — violation, penalty.
610.100	Arrest and incident records — definitions — available to public — closed records, when — action for disclosure of investigative report authorized, costs — application to open incident and arrest reports, violations, civil penalty — identity of victim of sexual offense — confidentiality of recording.
1	Covid-19 tests, no cost, when — department duties — use of federal funds — no reduction in health insurance coverage, when.
2	Comprehensive substance treatment and rehabilitation program — department of social services may seek IMD exclusion waiver.
3	Minority organ donor awareness month designated for the month of August.
4	Infant and maternal mortality awareness month designated for the month of September.
B	Emergency clause.
C	Emergency clause.

Be it enacted by the General Assembly of the state of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 190.092, 190.094, 190.105, 190.143, 190.196, 190.606, 190.612, 191.775, 191.1146, 192.2305, 195.070, 195.417, 196.990, 205.202, 208.909,

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208.151, 208.918, 208.924, 338.035, 338.210, 338.220, 338.260, 344.030, 345.050, 376.383, 376.387, 376.782, 376.945, 376.1345, 376.1578, 579.060, and 610.100, RSMo, are repealed and fifty-six new sections enacted in lieu thereof, to be known as sections 9.152, 9.166, 9.182, 9.300, 143.1160, 190.092, 190.094, 190.105, 190.143, 190.196, 190.606, 190.612, 190.1005, 191.775, 191.940, 191.1146, 191.1601, 191.1603, 191.1604, 191.1605, 191.1606, 191.1607, 192.2305, 195.070, 195.417, 195.805, 195.815, 196.990, 196.1050, 205.202, 208.151, 208.909, 208.918, 208.924, 208.935, 321.621, 338.035, 338.210, 338.215, 338.220, 338.260, 344.030, 345.050, 376.383, 376.387, 376.393, 376.782, 376.945, 376.1345, 376.1578, 579.060, 610.100, 1, 2, 3, and 4, to read as follows:

9.152. MENTAL HEALTH AWARENESS MONTH DESIGNATED FOR THE MONTH OF MAY. — The month of May is hereby designated as "Mental Health Awareness Month". The citizens of this state are encouraged to participate in appropriate awareness and educational activities that emphasize the importance of good mental health and the effects of mental illness on Missourians.

9.166. MINORITY MENTAL HEALTH AWARENESS MONTH DESIGNATED FOR THE MONTH OF JULY. — The month of July shall be known as "Minority Mental Health Awareness Month". The citizens of this state are encouraged to observe the month with appropriate events and activities to raise awareness of the effects of mental illness on minorities.

9.182. DEAF AWARENESS MONTH DESIGNATED FOR THE MONTH OF SEPTEMBER. — The month of September shall be designated as "Deaf Awareness Month" and the last week of September shall be designated as "Deaf Awareness Week" in Missouri. The citizens of this state are encouraged to participate in appropriate activities and events to commemorate the first World Congress of the World Federation of the Deaf in 1951 and to increase awareness of deaf issues, people, and culture.

9.300. BUDDY CHECK 22 DAY DESIGNATED FOR THE TWENTY-SECOND DAY OF EACH MONTH. — The twenty-second day of each month shall be designated as "Buddy Check 22 Day" in the state of Missouri. Citizens of this state are encouraged to check in on veterans on the twenty-second day of each month and participate in appropriate events and activities that raise awareness of the problem of suicide facing military personnel.

143.1160. LONG-TERM DIGNITY SAVINGS ACCOUNT TAX DEDUCTION — DEFINITIONS — DEDUCTION AMOUNT — RULEMAKING AUTHORITY — SUNSET PROVISION. — 1. As used in this section, the following terms mean:

- (1) "Account holder", the same meaning as that term is defined in section 191.1603;
- (2) "Deduction", an amount subtracted from the taxpayer's Missouri adjusted gross income to determine Missouri taxable income for the tax year in which such deduction is claimed;
- (3) "Eligible expenses", the same meaning as that term is defined in section 191.1603;
- (4) "Long-term dignity savings account", the same meaning as that term is defined in section 191.1603;
- (5) "Qualified beneficiary", the same meaning as that term is defined in section 191.1603;
- (6) "Taxpayer", any individual who is a resident of this state and subject to the income tax imposed under this chapter, excluding withholding tax imposed under sections 143.191 to 143.265.

2. For all tax years beginning on or after January 1, 2021, a taxpayer shall be allowed a deduction of one hundred percent of a participating taxpayer's contributions to a long-term dignity savings account in the tax year of the contribution. Each taxpayer claiming the deduction under this section shall file an affidavit with the income tax return verifying the amount of their contributions. The amount of the deduction claimed shall not exceed the amount of the

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taxpayer's Missouri adjusted gross income for the tax year that the deduction is claimed, and shall not exceed four thousand dollars per taxpayer claiming the deduction, or eight thousand dollars if married filing combined.

3. Income earned or received as a result of assets in a long-term dignity savings account shall not be subject to state income tax imposed under this chapter. The exemption under this section shall apply only to income maintained, accrued, or expended pursuant to the requirements of sections 191.1601 to 191.1607, and no exemption shall apply to assets and income expended for any other purpose. The amount of the deduction claimed shall not exceed the amount of the taxpayer's Missouri adjusted gross income for the tax year the deduction is claimed.

4. If any deductible contributions to or earnings from any such programs referred to in this section are distributed and not used to pay for eligible expenses or are not held for the minimum length of time under subsection 2 of section 191.1605, the amount so distributed shall be added to the Missouri adjusted gross income of the account holder or, if the account holder is not living, the qualified beneficiary, in the year of distribution.

5. The department of revenue shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2020, shall be invalid and void.

6. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset on December thirty-first four years after August 28, 2020, unless reauthorized by an act of the general assembly;

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset on December thirty-first four years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.

190.092. DEFIBRILLATORS, REQUIREMENTS — GOOD FAITH IMMUNITY FROM CIVIL LIABILITY, WHEN — ALL BASIC LIFE SUPPORT AMBULANCES AND STRETCHER VANS TO BE EQUIPPED WITH. — 1. This section shall be known and may be cited as the "Public Access to Automated External Defibrillator Act".

2. ~~[A person or entity who acquires an automated external defibrillator shall ensure that:~~

~~(1) Expected defibrillator users receive training by the American Red Cross or American Heart Association in cardiopulmonary resuscitation and the use of automated external defibrillators, or an equivalent nationally recognized course in defibrillator use and cardiopulmonary resuscitation;~~

~~(2) The defibrillator is maintained and tested according to the manufacturer's operational guidelines;~~

~~(3) Any person who renders emergency care or treatment on a person in cardiac arrest by using an automated external defibrillator activates the emergency medical services system as soon as possible; and~~

~~(4) Any person or entity that owns an automated external defibrillator that is for use outside of a health care facility shall have a physician review and approve the clinical protocol for the use of the defibrillator, review and advise regarding the training and skill maintenance of the intended users of the~~

defibrillator and assure proper review of all situations when the defibrillator is used to render emergency care.

3. Any person or entity who acquires an automated external defibrillator shall notify the emergency communications district or the ambulance dispatch center of the primary provider of emergency medical services where the automated external defibrillator is to be located.

4.] A person or entity that acquires an automated external defibrillator shall:

(1) Comply with all regulations governing the placement of an automated external defibrillator;

(2) Ensure that the automated external defibrillator is maintained and tested according to the operation and maintenance guidelines set forth by the manufacturer;

(3) Ensure that the automated external defibrillator is tested at least every two years and after each use; and

(4) Ensure that an inspection is made of all automated external defibrillators on the premises at least every ninety days for potential issues related to the operation of the device, including a blinking light or other obvious defect that may suggest tampering or that another problem has arisen with the functionality of the automated external defibrillator.

3. Any person who gratuitously and in good faith renders emergency care by use of or provision of an automated external defibrillator shall not be held liable for any civil damages **or subject to any criminal penalty** as a result of such care or treatment, unless the person acts in a willful and wanton or reckless manner in providing the care, advice, or assistance. The person **who** or entity ~~[who]~~ that provides ~~[appropriate]~~ training to the person using an automated external defibrillator, the person or entity responsible for the site where the automated external defibrillator is located, **and** the person or entity that owns the automated external defibrillator~~], the person or entity that provided clinical protocol for automated external defibrillator sites or programs, and the licensed physician who reviews and approves the clinical protocol]~~ shall likewise not be held liable for civil damages **or subject to any criminal penalty** resulting from the use of an automated external defibrillator. ~~[Nothing in this section shall affect any claims brought pursuant to chapter 537 or 538.]~~

~~[5.]~~ 4. All basic life support ambulances and stretcher vans operated in the state of Missouri shall be equipped with an automated external defibrillator and be staffed by at least one individual trained in the use of an automated external defibrillator.

~~[6.]~~ 5. The provisions of this section shall apply in all counties within the state and any city not within a county.

190.094. MINIMUM AMBULANCE STAFFING — VOLUNTEER DEFINED. — 1. Any ambulance licensed in this state, when used as an ambulance and staffed with volunteer staff, shall be staffed with a minimum of one emergency medical technician and one other crew member who may be a licensed emergency medical technician, registered nurse, physician, **physician assistant**, or someone who has an emergency medical responder certification.

2. When transporting a patient, at least one licensed emergency medical technician, registered nurse, **physician assistant**, or physician shall be in attendance with the patient in the patient compartment at all times.

3. For purposes of this section, "volunteer" shall mean an individual who performs hours of service without promise, expectation or receipt of compensation for services rendered. Compensation such as a nominal stipend per call to compensate for fuel, uniforms, and training shall not nullify the volunteer status.

190.105. AMBULANCE LICENSE REQUIRED, EXCEPTIONS — OPERATION OF AMBULANCE SERVICES — SALE OR TRANSFER OF OWNERSHIP, NOTICE REQUIRED. — 1. No person, either as owner, agent or otherwise, shall furnish, operate, conduct, maintain, advertise, or otherwise be engaged

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in or profess to be engaged in the business or service of the transportation of patients by ambulance in the air, upon the streets, alleys, or any public way or place of the state of Missouri unless such person holds a currently valid license from the department for an ambulance service issued pursuant to the provisions of sections 190.001 to 190.245.

2. No ground ambulance shall be operated for ambulance purposes, and no individual shall drive, attend or permit it to be operated for such purposes in the state of Missouri unless the ground ambulance is under the immediate supervision and direction of a person who is holding a currently valid Missouri license as an emergency medical technician. Nothing in this section shall be construed to mean that a duly registered nurse ~~[or]~~, a duly licensed physician, **or a duly licensed physician assistant** be required to hold an emergency medical technician's license. **When a physician assistant is in attendance with a patient on an ambulance, the physician assistant shall be exempt from any mileage limitations in any collaborative practice arrangement prescribed under law.** Each ambulance service is responsible for assuring that any person driving its ambulance is competent in emergency vehicle operations and has a safe driving record. Each ground ambulance shall be staffed with at least two licensed individuals when transporting a patient, except as provided in section 190.094. In emergency situations which require additional medical personnel to assist the patient during transportation, an emergency medical responder, firefighter, or law enforcement personnel with a valid driver's license and prior experience with driving emergency vehicles may drive the ground ambulance provided the ground ambulance service stipulates to this practice in operational policies.

3. No license shall be required for an ambulance service, or for the attendant of an ambulance, which:

(1) Is rendering assistance in the case of an emergency, major catastrophe or any other unforeseen event or series of events which jeopardizes the ability of the local ambulance service to promptly respond to emergencies; or

(2) Is operated from a location or headquarters outside of Missouri in order to transport patients who are picked up beyond the limits of Missouri to locations within or outside of Missouri, but no such outside ambulance shall be used to pick up patients within Missouri for transportation to locations within Missouri, except as provided in subdivision (1) of this subsection.

4. The issuance of a license pursuant to the provisions of sections 190.001 to 190.245 shall not be construed so as to authorize any person to provide ambulance services or to operate any ambulances without a franchise in any city not within a county or in a political subdivision in any county with a population of over nine hundred thousand inhabitants, or a franchise, contract or mutual-aid agreement in any other political subdivision which has enacted an ordinance making it unlawful to do so.

5. Sections 190.001 to 190.245 shall not preclude the adoption of any law, ordinance or regulation not in conflict with such sections by any city not within a county, or at least as strict as such sections by any county, municipality or political subdivision except that no such regulations or ordinances shall be adopted by a political subdivision in a county with a population of over nine hundred thousand inhabitants except by the county's governing body.

6. In a county with a population of over nine hundred thousand inhabitants, the governing body of the county shall set the standards for all ambulance services which shall comply with subsection 5 of this section. All such ambulance services must be licensed by the department. The governing body of such county shall not prohibit a licensed ambulance service from operating in the county, as long as the ambulance service meets county standards.

7. An ambulance service or vehicle when operated for the purpose of transporting persons who are sick, injured, or otherwise incapacitated shall not be treated as a common or contract carrier under the jurisdiction of the Missouri division of motor carrier and railroad safety.

8. Sections 190.001 to 190.245 shall not apply to, nor be construed to include, any motor vehicle used by an employer for the transportation of such employer's employees whose illness or injury occurs

on private property, and not on a public highway or property, nor to any person operating such a motor vehicle.

9. A political subdivision that is authorized to operate a licensed ambulance service may establish, operate, maintain and manage its ambulance service, and select and contract with a licensed ambulance service. Any political subdivision may contract with a licensed ambulance service.

10. Except as provided in subsections 5 and 6, nothing in section 67.300, or subsection 2 of section 190.109, shall be construed to authorize any municipality or county which is located within an ambulance district or a fire protection district that is authorized to provide ambulance service to promulgate laws, ordinances or regulations related to the provision of ambulance services. This provision shall not apply to any municipality or county which operates an ambulance service established prior to August 28, 1998.

11. Nothing in section 67.300 or subsection 2 of section 190.109 shall be construed to authorize any municipality or county which is located within an ambulance district or a fire protection district that is authorized to provide ambulance service to operate an ambulance service without a franchise in an ambulance district or a fire protection district that is authorized to provide ambulance service which has enacted an ordinance making it unlawful to do so. This provision shall not apply to any municipality or county which operates an ambulance service established prior to August 28, 1998.

12. No provider of ambulance service within the state of Missouri which is licensed by the department to provide such service shall discriminate regarding treatment or transportation of emergency patients on the basis of race, sex, age, color, religion, sexual preference, national origin, ancestry, handicap, medical condition or ability to pay.

13. No provision of this section, other than subsections 5, 6, 10 and 11 of this section, is intended to limit or supersede the powers given to ambulance districts pursuant to this chapter or to fire protection districts pursuant to chapter 321, or to counties, cities, towns and villages pursuant to chapter 67.

14. Upon the sale or transfer of any ground ambulance service ownership, the owner of such service shall notify the department of the change in ownership within thirty days of such sale or transfer. After receipt of such notice, the department shall conduct an inspection of the ambulance service to verify compliance with the licensure standards of sections 190.001 to 190.245.

190.143. TEMPORARY EMERGENCY MEDICAL TECHNICIAN LICENSE GRANTED, WHEN — LIMITATIONS — EXPIRATION. — 1. Notwithstanding any other provisions of law, the department may grant a ninety-day temporary emergency medical technician license to all levels of emergency medical technicians who meet the following:

(1) Can demonstrate that they have, or will have, employment requiring an emergency medical technician license;

(2) Are not currently licensed as an emergency medical technician in Missouri or have been licensed as an emergency medical technician in Missouri and fingerprints need to be submitted to the Federal Bureau of Investigation to verify the existence or absence of a criminal history, or they are currently licensed and the license will expire before a verification can be completed of the existence or absence of a criminal history;

(3) Have submitted a complete application upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to 190.245;

(4) Have not been disciplined pursuant to sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245;

(5) Meet all the requirements of rules promulgated pursuant to sections 190.001 to 190.245.

2. A temporary emergency medical technician license shall only authorize the license to practice while under the immediate supervision of a licensed emergency medical technician, registered nurse, **physician assistant**, or physician who is currently licensed, without restrictions, to practice in Missouri.

3. A temporary emergency medical technician license shall automatically expire either ninety days from the date of issuance or upon the issuance of a five-year emergency medical technician license.

190.196. EMPLOYER TO COMPLY WITH REQUIREMENTS OF LICENSURE — REPORT OF CHARGES FILED AGAINST LICENSEE, WHEN. — 1. No employer shall knowingly employ or permit any employee to perform any services for which a license, certificate or other authorization is required by sections 190.001 to 190.245, or by rules adopted pursuant to sections 190.001 to 190.245, unless and until the person so employed possesses all licenses, certificates or authorizations that are required.

2. Any person or entity that employs or supervises a person's activities as an emergency medical responder, emergency medical dispatcher, emergency medical technician, registered nurse, **physician assistant**, or physician shall cooperate with the department's efforts to monitor and enforce compliance by those individuals subject to the requirements of sections 190.001 to 190.245.

3. Any person or entity who employs individuals licensed by the department pursuant to sections 190.001 to 190.245 shall report to the department within seventy-two hours of their having knowledge of any charges filed against a licensee in their employ for possible criminal action involving the following felony offenses:

- (1) Child abuse or sexual abuse of a child;
- (2) Crimes of violence; or
- (3) Rape or sexual abuse.

4. Any licensee who has charges filed against him or her for the felony offenses in subsection 3 of this section shall report such an occurrence to the department within seventy-two hours of the charges being filed.

5. The department will monitor these reports for possible licensure action authorized pursuant to section 190.165.

190.606. IMMUNITY FROM LIABILITY, WHAT PERSONS AND ENTITIES. — The following persons and entities shall not be subject to civil, criminal, or administrative liability and are not guilty of unprofessional conduct for the following acts or omissions that follow discovery of an outside the hospital do-not-resuscitate identification upon a patient, **or upon being presented with an outside the hospital do-not-resuscitate order from Missouri, another state, the District of Columbia, or a territory of the United States**; provided that the acts or omissions are done in good faith and in accordance with the provisions of sections 190.600 to 190.621 and the provisions of an outside the hospital do-not-resuscitate order executed under sections 190.600 to 190.621:

(1) Physicians, persons under the direction or authorization of a physician, emergency medical services personnel, or health care facilities that cause or participate in the withholding or withdrawal of cardiopulmonary resuscitation from such patient; and

(2) Physicians, persons under the direction or authorization of a physician, emergency medical services personnel, or health care facilities that provide cardiopulmonary resuscitation to such patient under an oral or written request communicated to them by the patient or the patient's representative.

190.612. EMERGENCY MEDICAL SERVICES PERSONNEL TO COMPLY WITH ORDER, WHEN — PHYSICIAN TO TRANSFER PATIENT, WHEN. — 1. Emergency medical services personnel are authorized to comply with the outside the hospital do-not-resuscitate protocol when presented with an outside the hospital do-not-resuscitate identification or an outside the hospital do-not-resuscitate order. However, emergency medical services personnel shall not comply with an outside the hospital do-not-resuscitate order or the outside the hospital do-not-resuscitate protocol when the patient or patient's representative expresses to such personnel in any manner, before or after the onset of a cardiac or respiratory arrest, the desire to be resuscitated.

2. Emergency medical services personnel are authorized to comply with the outside the hospital do-not-resuscitate protocol when presented with an outside the hospital do-not-resuscitate order from another state, the District of Columbia, or a territory of the United States if such order is on a standardized written form:

(1) Signed by the patient or the patient's representative and a physician who is licensed to practice in the other state, the District of Columbia, or the territory of the United States; and

(2) Such form has been previously reviewed and approved by the department of health and senior services to authorize emergency medical services personnel to withhold or withdraw cardiopulmonary resuscitation from the patient in the event of a cardiac or respiratory arrest.

Emergency medical services personnel shall not comply with an outside the hospital do-not-resuscitate order from another state, the District of Columbia, or a territory of the United States or the outside the hospital do-not-resuscitate protocol when the patient or patient's representative expresses to such personnel in any manner, before or after the onset of a cardiac or respiratory arrest, the desire to be resuscitated.

3. If a physician or a health care facility other than a hospital admits or receives a patient with an outside the hospital do-not-resuscitate identification or an outside the hospital do-not-resuscitate order, and the patient or patient's representative has not expressed or does not express to the physician or health care facility the desire to be resuscitated, and the physician or health care facility is unwilling or unable to comply with the outside the hospital do-not-resuscitate order, the physician or health care facility shall take all reasonable steps to transfer the patient to another physician or health care facility where the outside the hospital do-not-resuscitate order will be complied with.

190.1005. CPR TRAINING OR COURSES TO INCLUDE INSTRUCTION ON PROPER USE OF AUTOMATED EXTERNAL DEFIBRILLATORS. — Notwithstanding any other provision of law to the contrary, any training or course in cardiopulmonary resuscitation shall also include instruction on the proper use of automated external defibrillators. Such training or course shall follow the standards created by the American Red Cross or the American Heart Association, or equivalent evidence-based standards from a nationally recognized organization.

191.775. PUBLIC SCHOOLS AND SCHOOL BUSES — SMOKING, OR TOBACCO OR VAPOR PRODUCT USE PROHIBITED — PERMISSIBLE USE OF TOBACCO, WHERE. — No person shall smoke or otherwise use tobacco ~~[or]~~, tobacco products, or vapor products, as such term is defined in section 407.925, in any indoor area of a public elementary or secondary school building or educational facility, excluding institutions of higher education, or on buses used solely to transport students to or from school or to transport students to or from any place for educational purposes. Any school board of any school district may set policy on the permissible uses of tobacco products or vapor products in any other nonclassroom or nonstudent occupant facility, and on the school grounds or outdoor facility areas as the school board deems proper. ~~[Any person who violates the provisions of this section shall be guilty of an infraction.]~~

191.940. CITATION OF LAW — DEFINITIONS — HOSPITALS AND AMBULATORY SURGICAL CENTERS TO PROVIDE INFORMATION ABOUT POSTPARTUM DEPRESSION. — 1. This section shall be known and may be cited as the "Postpartum Depression Care Act".

2. As used in this section, the following terms shall mean:

(1) "Ambulatory surgical center", the same meaning as defined in section 197.200;

(2) "Health care provider", a physician licensed under chapter 334, an assistant physician or physician assistant licensed under chapter 334 and in a collaborative practice arrangement with

a collaborating physician, and an advanced practice registered nurse licensed under chapter 335 and in a collaborative practice arrangement with a collaborating physician;

(3) "Hospital", the same meaning as defined in section 197.020;

(4) "Postnatal care", an office visit to a licensed health care provider occurring after pregnancy for the infant or birth mother;

(5) "Questionnaire", an assessment tool designed to detect the symptoms of postpartum depression or related mental health disorders, such as the Edinburgh Postnatal Depression Scale, the Postpartum Depression Screening Scale, the Beck Depression Inventory, the Patient Health Questionnaire, or other validated assessment methods.

3. All hospitals and ambulatory surgical centers that provide labor and delivery services shall, prior to discharge following pregnancy, provide pregnant women and, if possible, fathers and other family members with complete information about postpartum depression, including its symptoms, methods of treatment, and available resources. The department of health and senior services, in cooperation with the department of mental health, shall provide written information that hospitals and ambulatory surgical centers may use and shall include such information on its website.

4. It is the intent of the general assembly to encourage health care providers providing postnatal care to women and pediatric care to infants to invite women to complete a questionnaire designed to detect the symptoms of postpartum depression and to review the completed questionnaire in accordance with the formal opinions and recommendations of the American College of Obstetricians and Gynecologists to ensure the health, well-being, and safety of the woman and the infant.

191.1146. PHYSICIAN-PATIENT RELATIONSHIP REQUIRED, HOW ESTABLISHED. — 1. Physicians licensed under chapter 334 who use telemedicine shall ensure that a properly established physician-patient relationship exists with the person who receives the telemedicine services. The physician-patient relationship may be established by:

(1) An in-person encounter through a medical interview and physical examination;

(2) Consultation with another physician, or that physician's delegate, who has an established relationship with the patient and an agreement with the physician to participate in the patient's care; or

(3) A telemedicine encounter, if the standard of care does not require an in-person encounter, and in accordance with evidence-based standards of practice and telemedicine practice guidelines that address the clinical and technological aspects of telemedicine.

2. In order to establish a physician-patient relationship through telemedicine:

(1) The technology utilized shall be sufficient to establish an informed diagnosis as though the medical interview and physical examination has been performed in person; and

(2) Prior to providing treatment, including issuing prescriptions **or physician certifications under article XIV of the Missouri Constitution**, a physician who uses telemedicine shall interview the patient, collect or review relevant medical history, and perform an examination sufficient for the diagnosis and treatment of the patient. A questionnaire completed by the patient, whether via the internet or telephone, does not constitute an acceptable medical interview and examination for the provision of treatment by telehealth.

191.1601. CITATION OF LAW. — Section 143.1160 and sections 191.1601 to 191.1607 shall be known and may be cited as the "Long-Term Dignity Act".

191.1603. DEFINITIONS. — As used in sections 191.1601 to 191.1607, the following terms mean:

- (1) "Account holder", an individual who establishes an account with a financial institution that is designated as a long-term dignity savings account in accordance with section 191.1604;
- (2) "Department", the department of revenue;
- (3) "Eligible expenses", the same meaning as "qualified long-term care services" in 26 U.S.C. Section 7702B(c);
- (4) "Financial institution", any state bank, state trust company, savings and loan association, federally chartered credit union doing business in this state, credit union chartered by the state of Missouri, national bank, broker-dealer, mutual fund, insurance company, or other similar financial entity qualified to do business in this state;
- (5) "Long-term dignity savings account" or "account", an account with a financial institution designated as such in accordance with subsection 1 of section 191.1604;
- (6) "Qualified beneficiary", an individual designated by an account holder for whose eligible expenses the moneys in a long-term dignity savings account are or will be used; provided, that such individual meets the definition of a "chronically ill individual" in 26 U.S.C. Section 7702B(c)(2) at the time the moneys are used.

191.1604. LONG-TERM DIGNITY SAVINGS ACCOUNT, USE, REQUIREMENTS. — 1. Beginning January 1, 2021, any individual may open an account with a financial institution and designate the account, in its entirety, as a long-term dignity savings account to be used to pay or reimburse a qualified beneficiary's eligible expenses. An individual may be the account holder of multiple accounts, and an individual may jointly own the account with another person if such persons file a married filing combined income tax return. To be eligible for the tax deduction under section 143.1160, an account holder shall comply with the requirements of this section.

2. An account holder shall designate, no later than April fifteenth of the year following the tax year during which the account was established, a qualified beneficiary of the long-term dignity savings account. The account holder may designate himself or herself as the qualified beneficiary. The account holder may change the designated qualified beneficiary at any time, but no long-term dignity savings account shall have more than one qualified beneficiary at any time. No account holder shall have multiple accounts with the same qualified beneficiary, but an individual may be designated as the qualified beneficiary of multiple accounts.

3. Moneys may remain in a long-term dignity savings account for an unlimited duration without the interest or income being subject to recapture or penalty.

4. The account holder shall not use moneys in an account to pay expenses of administering the account, except that a service fee may be deducted from the account by a financial institution. The account holder shall be responsible for maintaining documentation for the long-term dignity savings account and for the qualified beneficiary's eligible expenses.

191.1605. ACCOUNTS, USE OF MONEYS — WITHDRAWALS, RECAPTURE — DEATH OF ACCOUNT HOLDER, EFFECT OF. — 1. For purposes of the tax benefit conferred under the long-term dignity savings account act, the moneys in a long-term dignity savings account may be:

- (1) Used for a qualified beneficiary's eligible expenses;
- (2) Transferred to another newly created long-term dignity savings account; and
- (3) Used to pay a service fee that is deducted by the financial institution.

2. Moneys withdrawn from a long-term dignity savings account shall be subject to recapture in the tax year in which they are withdrawn if:

- (1) At the time of the withdrawal, it has been less than a year since the first deposit in the long-term dignity savings account; or
- (2) The moneys are used for any purpose other than those specified under subsection 1 of this section.

The recapture shall be an amount equal to the moneys withdrawn and shall be added to the Missouri adjusted gross income of the account holder or, if the account holder is not living, the qualified beneficiary.

3. If any moneys are subject to recapture under subsection 2 of this section, the account holder shall pay to the department a penalty in the same tax year as the recapture. If the withdrawal was made ten or fewer years after the first deposit in the long-term dignity savings account, the penalty shall be equal to five percent of the amount subject to recapture, and, if the withdrawal was made more than ten years after the first deposit in the account, the penalty shall be equal to ten percent of the amount subject to recapture. These penalties shall not apply if the withdrawn moneys are from a long-term dignity savings account for which the qualified beneficiary died, and the account holder does not designate a new qualified beneficiary during the same tax year.

4. If the account holder dies or, if the long-term dignity account is jointly owned, the account holders die and the account does not have a surviving transfer-on-death beneficiary, then all of the moneys in the account that were used for a tax deduction under section 143.1160 shall be subject to recapture in the tax year of the death or deaths, but no penalty shall be due to the department.

191.1606. REPORTING, FORMS — RULEMAKING AUTHORITY. — 1. The department shall establish forms for an account holder to annually report information about a long-term dignity savings account including, but not limited to, how the moneys withdrawn from the fund are used, and shall identify any supporting documentation that is required to be maintained. To be eligible for the tax deduction under section 143.1160, an account holder shall annually file with the account holder's state income tax return all forms required by the department under this section, the 1099 form for the account issued by the financial institution, and any other supporting documentation the department requires.

2. The department may promulgate rules and regulations necessary to administer the provisions of sections 191.1601 to 191.1607. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2020, shall be invalid and void.

191.1607. FINANCIAL INSTITUTIONS, REQUIREMENTS — NO RESPONSIBILITY OR LIABILITY, WHEN. — 1. No financial institution shall be required to:

- (1) Designate an account as a long-term dignity savings account or designate the beneficiaries of an account in the financial institution's account contracts or systems or in any other way;
- (2) Track the use of moneys withdrawn from a long-term dignity savings account; or
- (3) Report any information to the department or any other governmental agency that is not otherwise required by law.

2. No financial institution shall be responsible or liable for:

- (1) Determining or ensuring that an account holder is eligible for a tax deduction under section 143.1160;
- (2) Determining or ensuring that moneys in the account are used for eligible expenses; or

(3) Reporting or remitting taxes or penalties related to use of moneys in a long-term dignity savings account.

3. In implementing sections 143.1160 and 191.1601 to 191.1607, the department shall not establish any administrative, reporting, or other requirements on financial institutions that are outside the scope of normal account procedures.

192.2305. OFFICE OF STATE OMBUDSMAN FOR LONG-TERM CARE FACILITY AND VETERANS' HOME RESIDENTS CREATED IN DEPARTMENT OF HEALTH AND SENIOR SERVICES — PURPOSE — POWERS AND DUTIES. — 1. There is hereby established within the department of

health and senior services the "Office of State Ombudsman for Long-Term Care Facility Residents", for the purpose of helping to assure the adequacy of care received by residents of long-term care facilities **and Missouri veterans' homes, as defined in section 42.002**, and to improve the quality of life experienced by them, in accordance with the federal Older Americans Act, 42 U.S.C. Section 3001, et seq.

2. The office shall be administered by the state ombudsman, who shall devote his or her entire time to the duties of his or her position.

3. The office shall establish and implement procedures for receiving, processing, responding to, and resolving complaints made by or on behalf of residents of long-term care facilities **and Missouri veterans' homes** relating to action, inaction, or decisions of providers, or their representatives, of long-term care services, of public agencies or of social service agencies, which may adversely affect the health, safety, welfare or rights of such residents.

4. The department shall establish and implement procedures for resolution of complaints. The ombudsman or representatives of the office shall have the authority to:

(1) Enter any long-term care facility **or Missouri veterans' homes** and have access to residents of the facility at a reasonable time and in a reasonable manner. The ombudsman shall have access to review resident records, if given permission by the resident or the resident's legal guardian. Residents of the facility shall have the right to request, deny, or terminate visits with an ombudsman;

(2) Make the necessary inquiries and review such information and records as the ombudsman or representative of the office deems necessary to accomplish the objective of verifying these complaints.

5. The office shall acknowledge complaints, report its findings, make recommendations, gather and disseminate information and other material, and publicize its existence.

6. The ombudsman may recommend to the relevant governmental agency changes in the rules and regulations adopted or proposed by such governmental agency which do or may adversely affect the health, safety, welfare, or civil or human rights of any resident in a facility. The office shall analyze and monitor the development and implementation of federal, state and local laws, regulations and policies with respect to long-term care facilities and services **and Missouri veterans' homes** in the state and shall recommend to the department changes in such laws, regulations and policies deemed by the office to be appropriate.

7. The office shall promote community contact and involvement with residents of facilities through the use of volunteers and volunteer programs directed by the regional ombudsman coordinators.

8. The office shall develop and establish by regulation of the department statewide policies and standards for implementing the activities of the ombudsman program, including the qualifications and the training of regional ombudsman coordinators and ombudsman volunteers.

9. The office shall develop and propose programs for use, training and coordination of volunteers in conjunction with the regional ombudsman coordinators and may:

(1) Establish and conduct recruitment programs for volunteers;

(2) Establish and conduct training seminars, meetings and other programs for volunteers; and

(3) Supply personnel, written materials and such other reasonable assistance, including publicizing their activities, as may be deemed necessary.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

10. The regional ombudsman coordinators and ombudsman volunteers shall have the authority to report instances of abuse and neglect to the ombudsman hotline operated by the department.

11. If the regional ombudsman coordinator or volunteer finds that a nursing home administrator is not willing to work with the ombudsman program to resolve complaints, the state ombudsman shall be notified. The department shall establish procedures by rule in accordance with chapter 536 for implementation of this subsection.

12. The office shall prepare and distribute to each facility written notices which set forth the address and telephone number of the office, a brief explanation of the function of the office, the procedure to follow in filing a complaint and other pertinent information.

13. The administrator of each facility shall ensure that such written notice is given to every resident or the resident's guardian upon admission to the facility and to every person already in residence, or to his or her guardian. The administrator shall also post such written notice in a conspicuous, public place in the facility in the number and manner set forth in the regulations adopted by the department.

14. The office shall inform residents, their guardians or their families of their rights and entitlements under state and federal laws and rules and regulations by means of the distribution of educational materials and group meetings.

195.070. PRESCRIPTIVE AUTHORITY. — 1. A physician, podiatrist, dentist, a registered optometrist certified to administer pharmaceutical agents as provided in section 336.220, or an assistant physician in accordance with section 334.037 or a physician assistant in accordance with section 334.747 in good faith and in the course of his or her professional practice only, may prescribe, administer, and dispense controlled substances or he or she may cause the same to be administered or dispensed by an individual as authorized by statute.

2. An advanced practice registered nurse, as defined in section 335.016, but not a certified registered nurse anesthetist as defined in subdivision (8) of section 335.016, who holds a certificate of controlled substance prescriptive authority from the board of nursing under section 335.019 and who is delegated the authority to prescribe controlled substances under a collaborative practice arrangement under section 334.104 may prescribe any controlled substances listed in Schedules III, IV, and V of section 195.017, and may have restricted authority in Schedule II. Prescriptions for Schedule II medications prescribed by an advanced practice registered nurse who has a certificate of controlled substance prescriptive authority are restricted to only those medications containing hydrocodone. However, no such certified advanced practice registered nurse shall prescribe controlled substance for his or her own self or family. Schedule III narcotic controlled substance and Schedule II - hydrocodone prescriptions shall be limited to a one hundred twenty-hour supply without refill.

3. A veterinarian, in good faith and in the course of the veterinarian's professional practice only, and not for use by a human being, may prescribe, administer, and dispense controlled substances and the veterinarian may cause them to be administered by an assistant or orderly under his or her direction and supervision.

4. A practitioner shall not accept any portion of a controlled substance unused by a patient, for any reason, if such practitioner did not originally dispense the drug, except:

(1) When the controlled substance is delivered to the practitioner to administer to the patient for whom the medication is prescribed as authorized by federal law. Practitioners shall maintain records and secure the medication as required by this chapter and regulations promulgated pursuant to this chapter; or

(2) As provided in section 195.265.

5. An individual practitioner shall not prescribe or dispense a controlled substance for such practitioner's personal use except in a medical emergency.

195.417. LIMIT ON SALE OR DISPENSING OF CERTAIN DRUGS, EXCEPTIONS — PRESCRIPTION FOR CERTAIN SUBSTANCES NOT REQUIRED, WHEN, EXPIRATION WHEN — LOCAL ORDINANCES, STATE LAW TO SUPERCEDE AND PREEMPT — VIOLATIONS, PENALTY. —

1. The limits specified in this section shall not apply to any quantity of such product, mixture, or preparation which must be dispensed, sold, or distributed in a pharmacy pursuant to a valid prescription.

2. Within any thirty-day period, no person shall sell, dispense, or otherwise provide to the same individual, and no person shall purchase, receive, or otherwise acquire more than the following amount: any number of packages of any drug product containing any detectable amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, either as:

- (1) The sole active ingredient; or
- (2) One of the active ingredients of a combination drug; or
- (3) A combination of any of the products specified in subdivisions (1) and (2) of this subsection;

in any total amount greater than ~~nine~~ **seven and two-tenths** grams, without regard to the number of transactions.

3. Within any twenty-four-hour period, no pharmacist, intern pharmacist, or registered pharmacy technician shall sell, dispense, or otherwise provide to the same individual, and no person shall purchase, receive, or otherwise acquire more than the following amount: any number of packages of any drug product containing any detectable amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, either as:

- (1) The sole active ingredient; or
- (2) One of the active ingredients of a combination drug; or
- (3) A combination of any of the products specified in subdivisions (1) and (2) of this subsection;

in any total amount greater than three and six-tenths grams without regard to the number of transactions.

4. **Within any twelve-month period, no person shall sell, dispense, or otherwise provide to the same individual, and no person shall purchase, receive, or otherwise acquire more than the following amount: any number of packages of any drug product containing any detectable amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, either as:**

- (1) The sole active ingredient; or**
- (2) One of the active ingredients of a combination drug; or**
- (3) A combination of any of the products specified in subdivisions (1) and (2) of this subsection;**

in any total amount greater than forty-three and two-tenths grams, without regard to the number of transactions.

5. All packages of any compound, mixture, or preparation containing any detectable quantity of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, except those that are excluded from Schedule V in subsection 17 or 18 of section 195.017, shall be offered for sale only from behind a pharmacy counter where the public is not permitted, and only by a registered pharmacist or registered pharmacy technician under section 195.017.

~~[5.]~~ 6. Each pharmacy shall submit information regarding sales of any compound, mixture, or preparation as specified in this section in accordance with transmission methods and frequency established by the department by regulation.

7. **No prescription shall be required for the dispensation, sale, or distribution of any drug product containing any detectable amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, in an amount**

within the limits described in subsections 2, 3, and 4 of this section. The superintendent of the Missouri state highway patrol shall report to the revisor of statutes and the general assembly by February first when the statewide number of methamphetamine laboratory seizure incidents exceeds three hundred incidents in the previous calendar year. The provisions of this subsection shall expire on April first of the calendar year in which the revisor of statutes receives such notification.

~~[6-]~~ 8. This section shall supersede and preempt any local ordinances or regulations, including any ordinances or regulations enacted by any political subdivision of the state. This section shall not apply to the sale of any animal feed products containing ephedrine or any naturally occurring or herbal ephedra or extract of ephedra.

9. Any local ordinances or regulations enacted by any political subdivision of the state prior to August 28, 2020, requiring a prescription for the dispensation, sale, or distribution of any drug product containing any detectable amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, in an amount within the limits described in subsections 2, 3, and 4 of this section shall be void and of no effect and no such political subdivision shall maintain or enforce such ordinance or regulation.

~~[7-]~~ 10. All logs, records, documents, and electronic information maintained for the dispensing of these products shall be open for inspection and copying by municipal, county, and state or federal law enforcement officers whose duty it is to enforce the controlled substances laws of this state or the United States.

~~[8-]~~ 11. All persons who dispense or offer for sale pseudoephedrine and ephedrine products, except those that are excluded from Schedule V in subsection 17 or 18 of section 195.017, shall ensure that all such products are located only behind a pharmacy counter where the public is not permitted.

~~[9-]~~ 12. The penalty for a knowing or reckless violation of this section is found in section 579.060.

195.805. EDIBLE MARIJUANA — INFUSED PRODUCTS, RESTRICTIONS ON DESIGN AND SHAPE — THC STAMP REQUIRED, WHEN — VIOLATIONS, PENALTY — RULEMAKING AUTHORITY. — 1. No edible marijuana-infused product, packaging, or logo sold in Missouri pursuant to article XIV of the Missouri Constitution shall be designed in the shape of a human, animal, or fruit, including realistic, artistic, caricature, or cartoon renderings. However, geometric shapes, including, but not limited to, circles, squares, rectangles, and triangles, shall be permitted.

2. Each package, or packages with a package, containing an edible marijuana-infused product with ten or more milligrams of tetrahydrocannabinols (THC) shall be stamped with a universal symbol for such products, which shall consist of the following:

(1) A diamond containing the letters "THC";

(2) The letter "M" located under the "THC" within the diamond, to signify that the product is for medical purposes; and

(3) The number of milligrams of THC in the package.

The universal symbol shall be placed on the front of the package in red and white print and shall measure one-half inch by one-half inch from point to point.

3. Any licensed or certified entity regulated by the department of health and senior services pursuant to article XIV of the Missouri Constitution found to have violated the provisions of this section shall be subject to department sanctions, including an administrative penalty, in accordance with the regulations promulgated by the department pursuant to article XIV of the Missouri Constitution.

4. The department shall promulgate rules and regulations prohibiting edible marijuana-infused products designed to appeal to persons under eighteen years of age, as well as promulgate

rules and regulations to establish a process by which a licensed or certified entity may seek approval of an edible product design, package, or label prior to such product's manufacture or sale in order to determine compliance with the provisions of this section and any rules promulgated pursuant to this section. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2020, shall be invalid and void.

195.815. FINGERPRINTING REQUIREMENTS, MEDICAL MARIJUANA FACILITIES — DEFINITIONS. — 1. The department of health and senior services shall require all officers, managers, contractors, employees, and other support staff of licensed or certified medical marijuana facilities, and all owners of such medical marijuana facilities who will have access to the facilities or to the facilities' medical marijuana, to submit fingerprints to the Missouri state highway patrol for the purpose of conducting a state and federal fingerprint-based criminal background check.

2. The department may require that such fingerprint submissions be made as part of a medical marijuana facility application for licensure or certification, a medical marijuana facility application for renewal of licensure or certification, and an individual's application for an identification card authorizing that individual to be an owner, officer, manager, contractor, employee, or other support staff of a medical marijuana facility.

3. Fingerprint cards and any required fees shall be sent to the Missouri state highway patrol's central repository. The fingerprints shall be used for searching the state criminal records repository and shall also be forwarded to the Federal Bureau of Investigation for a federal criminal records search under section 43.540. The Missouri state highway patrol shall notify the department of any criminal history record information or lack of criminal history record information discovered on the individual. Notwithstanding the provisions of section 610.120 to the contrary, all records related to any criminal history information discovered shall be accessible and available to the department.

4. As used in this section, the following words shall mean:

(1) "Employee", any person performing work or service of any kind or character for hire in a medical marijuana facility;

(2) "Medical marijuana facility", an entity licensed or certified by the department of health and senior services, or its successor agency, to acquire, cultivate, process, manufacture, test, store, sell, transport, or deliver medical marijuana;

(3) "Other support staff", any person performing work or service of any kind or character, other than employees, on behalf of a medical marijuana facility if such a person would have access to the medical marijuana facility or its medical marijuana or related equipment or supplies.

196.990. EPINEPHRINE AUTO-INJECTORS, AUTHORIZED ENTITIES MAY STOCK SUPPLY — DEFINITIONS — PROCEDURE — IMMUNITY FROM LIABILITY — APPLICABILITY. — 1. As used in this section, the following terms shall mean:

(1) "Administer", the direct application of an epinephrine auto-injector to the body of an individual;

(2) "Authorized entity", any entity or organization at or in connection with which allergens capable of causing anaphylaxis may be present including, but not limited to, **qualified first responders, as such term is defined in section 321.621**, restaurants, recreation camps, youth sports leagues, amusement

parks, and sports arenas. "Authorized entity" shall not include any public school or public charter school;

(3) "Epinephrine auto-injector", a single-use device used for the automatic injection of a premeasured dose of epinephrine into the human body;

(4) "Physician", a physician licensed in this state under chapter 334;

(5) "Provide", the supply of one or more epinephrine auto-injectors to an individual;

(6) "Self-administration", a person's discretionary use of an epinephrine auto-injector.

2. A physician may prescribe epinephrine auto-injectors in the name of an authorized entity for use in accordance with this section, and pharmacists, physicians, and other persons authorized to dispense prescription medications may dispense epinephrine auto-injectors under a prescription issued in the name of an authorized entity.

3. An authorized entity may acquire and stock a supply of epinephrine auto-injectors under a prescription issued in accordance with this section. Such epinephrine auto-injectors shall be stored in a location readily accessible in an emergency and in accordance with the epinephrine auto-injector's instructions for use and any additional requirements established by the department of health and senior services by rule. An authorized entity shall designate employees or agents who have completed the training required under this section to be responsible for the storage, maintenance, and general oversight of epinephrine auto-injectors acquired by the authorized entity.

4. An authorized entity that acquires a supply of epinephrine auto-injectors under a prescription issued in accordance with this section shall ensure that:

(1) Expected epinephrine auto-injector users receive training in recognizing symptoms of severe allergic reactions including anaphylaxis and the use of epinephrine auto-injectors from a nationally recognized organization experienced in training laypersons in emergency health treatment or another entity or person approved by the department of health and senior services;

(2) All epinephrine auto-injectors are maintained and stored according to the epinephrine auto-injector's instructions for use;

(3) Any person who provides or administers an epinephrine auto-injector to an individual who the person believes in good faith is experiencing anaphylaxis activates the emergency medical services system as soon as possible; and

(4) A proper review of all situations in which an epinephrine auto-injector is used to render emergency care is conducted.

5. Any authorized entity that acquires a supply of epinephrine auto-injectors under a prescription issued in accordance with this section shall notify the emergency communications district or the ambulance dispatch center of the primary provider of emergency medical services where the epinephrine auto-injectors are to be located within the entity's facility.

6. No person shall provide or administer an epinephrine auto-injector to any individual who is under eighteen years of age without the verbal consent of a parent or guardian who is present at the time when provision or administration of the epinephrine auto-injector is needed. Provided, however, that a person may provide or administer an epinephrine auto-injector to such an individual without the consent of a parent or guardian if the parent or guardian is not physically present and the person reasonably believes the individual shall be in imminent danger without the provision or administration of the epinephrine auto-injector.

7. The following persons and entities shall not be liable for any injuries or related damages that result from the administration or self-administration of an epinephrine auto-injector in accordance with this section that may constitute ordinary negligence:

(1) An authorized entity that possesses and makes available epinephrine auto-injectors and its employees, agents, and other trained persons;

(2) Any person who uses an epinephrine auto-injector made available under this section;

(3) A physician that prescribes epinephrine auto-injectors to an authorized entity; or

- (4) Any person or entity that conducts the training described in this section.

Such immunity does not apply to acts or omissions constituting a reckless disregard for the safety of others or willful or wanton conduct. The administration of an epinephrine auto-injector in accordance with this section shall not be considered the practice of medicine. The immunity from liability provided under this subsection is in addition to and not in lieu of that provided under section 537.037. An authorized entity located in this state shall not be liable for any injuries or related damages that result from the provision or administration of an epinephrine auto-injector by its employees or agents outside of this state if the entity or its employee or agent is not liable for such injuries or related damages under the laws of the state in which such provision or administration occurred. No trained person who is in compliance with this section and who in good faith and exercising reasonable care fails to administer an epinephrine auto-injector shall be liable for such failure.

8. All basic life support ambulances and stretcher vans operated in the state shall be equipped with epinephrine auto-injectors and be staffed by at least one individual trained in the use of epinephrine auto-injectors.

9. The provisions of this section shall apply in all counties within the state and any city not within a county.

10. Nothing in this section shall be construed as superseding the provisions of section 167.630.

196.1050. OPIOID ADDICTION TREATMENT, ANY OPIOID-RELATED SETTLEMENT MONEYS TO BE USED FOR — FUND ESTABLISHED. — 1. The proceeds of any monetary settlement or portion of a global settlement between the attorney general of the state and any drug manufacturers, distributors, or combination thereof to resolve an opioid-related cause of action against such drug manufacturers, distributors, or combination thereof in a state or federal court shall only be utilized to pay for opioid addiction treatment and prevention services and health care and law enforcement costs related to opioid addiction treatment and prevention. Under no circumstances shall such settlement moneys be utilized to fund other services, programs, or expenses not reasonably related to opioid addiction treatment and prevention.

2. (1) There is hereby established in the state treasury the "Opioid Addiction Treatment and Recovery Fund", which shall consist of the proceeds of any settlement described in subsection 1 of this section, as well as any funds appropriated by the general assembly, or gifts, grants, donations, or bequests. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and money in the fund shall be used by the department of mental health, the department of health and senior services, the department of social services, and the department of public safety for the purposes set forth in subsection 1 of this section.

(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

(3) The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

205.202. CERTAIN DISTRICTS MAY IMPOSE SALES TAX INSTEAD OF PROPERTY TAX — VOTE REQUIRED — FUND CREATED, USE OF MONEYS — REPEAL OF TAX — DISSOLUTION OF DISTRICT, EFFECT OF (RIPLEY COUNTY). — 1. The governing body of any hospital district established under sections 205.160 to 205.379 in any county of the third classification without a township form of government and with more than thirteen thousand five hundred but fewer than thirteen thousand six hundred inhabitants may, by resolution, abolish the property tax levied in such district under this chapter and impose a sales tax on all retail sales made within the district which are subject to sales tax under chapter 144. The tax authorized in this section shall be not more than one percent, and

shall be imposed solely for the purpose of funding the hospital district. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes.

2. No such resolution adopted under this section shall become effective unless the governing body of the hospital district submits to the voters residing within the district at a state general, primary, or special election a proposal to authorize the governing body of the district to impose a tax under this section. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the question, then the tax shall become effective on the first day of the second calendar quarter after the director of revenue receives notification of adoption of the local sales tax. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the question, then the tax shall not become effective unless and until the question is resubmitted under this section to the qualified voters and such question is approved by a majority of the qualified voters voting on the question.

3. All revenue collected under this section by the director of the department of revenue on behalf of the hospital district, except for one percent for the cost of collection which shall be deposited in the state's general revenue fund, shall be deposited in a special trust fund, which is hereby created and shall be known as the "Hospital District Sales Tax Fund", and shall be used solely for the designated purposes. Moneys in the fund shall not be deemed to be state funds, and shall not be commingled with any funds of the state. The director may make refunds from the amounts in the fund and credited to the district for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such district. Any funds in the special fund which are not needed for current expenditures shall be invested in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

4. The governing body of any hospital district that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the district. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

5. Whenever the governing body of any hospital district that has adopted the sales tax authorized in this section receives a petition, signed by a number of registered voters of the district equal to at least ten percent of the number of registered voters of the district voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters of the district a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, the repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

6. If the tax is repealed or terminated by any means **other than by a dissolution of a hospital district as described in subsection 7 of this section**, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes, and the hospital district shall notify the director of the department of revenue of the action at least ninety days before the effective date of the repeal and the director may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such district, the director shall remit the balance in the account

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to the district and close the account of that district. The director shall notify each district of each instance of any amount refunded or any check redeemed from receipts due the district.

7. Upon the dissolution of a hospital district levying a sales tax pursuant to this section, the sales tax shall be automatically repealed and all funds remaining in the special trust fund shall be distributed as follows:

(1) Twenty-five percent shall be distributed to the county public health center established pursuant to sections 205.010 to 205.150; and

(2) Seventy-five percent shall be distributed to a federally qualified health center, as defined in 42 U.S.C. Section 1396d(l)(1) and (2), located in the county.

208.151. MEDICAL ASSISTANCE, PERSONS ELIGIBLE — RULEMAKING AUTHORITY — WAIVERS — MILITARY MEMBERS ELIGIBILITY, TEMPORARY SUSPENSION, WHEN. — 1. Medical assistance on behalf of needy persons shall be known as "MO HealthNet". For the purpose of paying MO HealthNet benefits and to comply with Title XIX, Public Law 89-97, 1965 amendments to the federal Social Security Act (42 U.S.C. Section 301, et seq.) as amended, the following needy persons shall be eligible to receive MO HealthNet benefits to the extent and in the manner hereinafter provided:

(1) All participants receiving state supplemental payments for the aged, blind and disabled;

(2) All participants receiving aid to families with dependent children benefits, including all persons under nineteen years of age who would be classified as dependent children except for the requirements of subdivision (1) of subsection 1 of section 208.040. Participants eligible under this subdivision who are participating in treatment court, as defined in section 478.001, shall have their eligibility automatically extended sixty days from the time their dependent child is removed from the custody of the participant, subject to approval of the Centers for Medicare and Medicaid Services;

(3) All participants receiving blind pension benefits;

(4) All persons who would be determined to be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits under the eligibility standards in effect December 31, 1973, or less restrictive standards as established by rule of the family support division, who are sixty-five years of age or over and are patients in state institutions for mental diseases or tuberculosis;

(5) All persons under the age of twenty-one years who would be eligible for aid to families with dependent children except for the requirements of subdivision (2) of subsection 1 of section 208.040, and who are residing in an intermediate care facility, or receiving active treatment as inpatients in psychiatric facilities or programs, as defined in 42 U.S.C. Section 1396d, as amended;

(6) All persons under the age of twenty-one years who would be eligible for aid to families with dependent children benefits except for the requirement of deprivation of parental support as provided for in subdivision (2) of subsection 1 of section 208.040;

(7) All persons eligible to receive nursing care benefits;

(8) All participants receiving family foster home or nonprofit private child-care institution care, subsidized adoption benefits and parental school care wherein state funds are used as partial or full payment for such care;

(9) All persons who were participants receiving old age assistance benefits, aid to the permanently and totally disabled, or aid to the blind benefits on December 31, 1973, and who continue to meet the eligibility requirements, except income, for these assistance categories, but who are no longer receiving such benefits because of the implementation of Title XVI of the federal Social Security Act, as amended;

(10) Pregnant women who meet the requirements for aid to families with dependent children, except for the existence of a dependent child in the home;

(11) Pregnant women who meet the requirements for aid to families with dependent children, except for the existence of a dependent child who is deprived of parental support as provided for in subdivision (2) of subsection 1 of section 208.040;

(12) Pregnant women or infants under one year of age, or both, whose family income does not exceed an income eligibility standard equal to one hundred eighty-five percent of the federal poverty level as established and amended by the federal Department of Health and Human Services, or its successor agency;

(13) Children who have attained one year of age but have not attained six years of age who are eligible for medical assistance under 6401 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989) **(42 U.S.C. Sections 1396a to 1396b)**. The family support division shall use an income eligibility standard equal to one hundred thirty-three percent of the federal poverty level established by the Department of Health and Human Services, or its successor agency;

(14) Children who have attained six years of age but have not attained nineteen years of age. For children who have attained six years of age but have not attained nineteen years of age, the family support division shall use an income assessment methodology which provides for eligibility when family income is equal to or less than equal to one hundred percent of the federal poverty level established by the Department of Health and Human Services, or its successor agency. As necessary to provide MO HealthNet coverage under this subdivision, the department of social services may revise the state MO HealthNet plan to extend coverage under 42 U.S.C. Section 1396a(a)(10)(A)(i)(III) to children who have attained six years of age but have not attained nineteen years of age as permitted by paragraph (2) of subsection (n) of 42 U.S.C. Section 1396d using a more liberal income assessment methodology as authorized by paragraph (2) of subsection (r) of 42 U.S.C. Section 1396a;

(15) The family support division shall not establish a resource eligibility standard in assessing eligibility for persons under subdivision (12), (13) or (14) of this subsection. The MO HealthNet division shall define the amount and scope of benefits which are available to individuals eligible under each of the subdivisions (12), (13), and (14) of this subsection, in accordance with the requirements of federal law and regulations promulgated thereunder;

(16) Notwithstanding any other provisions of law to the contrary, ambulatory prenatal care shall be made available to pregnant women during a period of presumptive eligibility pursuant to 42 U.S.C. Section 1396r-1, as amended;

(17) A child born to a woman eligible for and receiving MO HealthNet benefits under this section on the date of the child's birth shall be deemed to have applied for MO HealthNet benefits and to have been found eligible for such assistance under such plan on the date of such birth and to remain eligible for such assistance for a period of time determined in accordance with applicable federal and state law and regulations so long as the child is a member of the woman's household and either the woman remains eligible for such assistance or for children born on or after January 1, 1991, the woman would remain eligible for such assistance if she were still pregnant. Upon notification of such child's birth, the family support division shall assign a MO HealthNet eligibility identification number to the child so that claims may be submitted and paid under such child's identification number;

(18) Pregnant women and children eligible for MO HealthNet benefits pursuant to subdivision (12), (13) or (14) of this subsection shall not as a condition of eligibility for MO HealthNet benefits be required to apply for aid to families with dependent children. The family support division shall utilize an application for eligibility for such persons which eliminates information requirements other than those necessary to apply for MO HealthNet benefits. The division shall provide such application forms to applicants whose preliminary income information indicates that they are ineligible for aid to families with dependent children. Applicants for MO HealthNet benefits under subdivision (12), (13) or (14) of this subsection shall be informed of the aid to families with dependent children program and that they are entitled to apply for such benefits. Any forms utilized by the family support division for assessing eligibility under this chapter shall be as simple as practicable;

(19) Subject to appropriations necessary to recruit and train such staff, the family support division shall provide one or more full-time, permanent eligibility specialists to process applications for MO HealthNet benefits at the site of a health care provider, if the health care provider requests the placement

of such eligibility specialists and reimburses the division for the expenses including but not limited to salaries, benefits, travel, training, telephone, supplies, and equipment of such eligibility specialists. The division may provide a health care provider with a part-time or temporary eligibility specialist at the site of a health care provider if the health care provider requests the placement of such an eligibility specialist and reimburses the division for the expenses, including but not limited to the salary, benefits, travel, training, telephone, supplies, and equipment, of such an eligibility specialist. The division may seek to employ such eligibility specialists who are otherwise qualified for such positions and who are current or former welfare participants. The division may consider training such current or former welfare participants as eligibility specialists for this program;

(20) Pregnant women who are eligible for, have applied for and have received MO HealthNet benefits under subdivision (2), (10), (11) or (12) of this subsection shall continue to be considered eligible for all pregnancy-related and postpartum MO HealthNet benefits provided under section 208.152 until the end of the sixty-day period beginning on the last day of their pregnancy. **Pregnant women receiving mental health treatment for postpartum depression or related mental health conditions within sixty days of giving birth shall, subject to appropriations and any necessary federal approval, be eligible for MO HealthNet benefits for mental health services for the treatment of postpartum depression and related mental health conditions for up to twelve additional months.** Pregnant women receiving substance abuse treatment within sixty days of giving birth shall, subject to appropriations and any necessary federal approval, be eligible for MO HealthNet benefits for substance abuse treatment and mental health services for the treatment of substance abuse for no more than twelve additional months, as long as the woman remains adherent with treatment. The department of mental health and the department of social services shall seek any necessary waivers or state plan amendments from the Centers for Medicare and Medicaid Services and shall develop rules relating to treatment plan adherence. No later than fifteen months after receiving any necessary waiver, the department of mental health and the department of social services shall report to the house of representatives budget committee and the senate appropriations committee on the compliance with federal cost neutrality requirements;

(21) Case management services for pregnant women and young children at risk shall be a covered service. To the greatest extent possible, and in compliance with federal law and regulations, the department of health and senior services shall provide case management services to pregnant women by contract or agreement with the department of social services through local health departments organized under the provisions of chapter 192 or chapter 205 or a city health department operated under a city charter or a combined city-county health department or other department of health and senior services designees. To the greatest extent possible the department of social services and the department of health and senior services shall mutually coordinate all services for pregnant women and children with the crippled children's program, the prevention of intellectual disability and developmental disability program and the prenatal care program administered by the department of health and senior services. The department of social services shall by regulation establish the methodology for reimbursement for case management services provided by the department of health and senior services. For purposes of this section, the term "case management" shall mean those activities of local public health personnel to identify prospective MO HealthNet-eligible high-risk mothers and enroll them in the state's MO HealthNet program, refer them to local physicians or local health departments who provide prenatal care under physician protocol and who participate in the MO HealthNet program for prenatal care and to ensure that said high-risk mothers receive support from all private and public programs for which they are eligible and shall not include involvement in any MO HealthNet prepaid, case-managed programs;

(22) By January 1, 1988, the department of social services and the department of health and senior services shall study all significant aspects of presumptive eligibility for pregnant women and submit a joint report on the subject, including projected costs and the time needed for implementation, to the

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general assembly. The department of social services, at the direction of the general assembly, may implement presumptive eligibility by regulation promulgated pursuant to chapter 207;

(23) All participants who would be eligible for aid to families with dependent children benefits except for the requirements of paragraph (d) of subdivision (1) of section 208.150;

(24) (a) All persons who would be determined to be eligible for old age assistance benefits under the eligibility standards in effect December 31, 1973, as authorized by 42 U.S.C. Section 1396a(f), or less restrictive methodologies as contained in the MO HealthNet state plan as of January 1, 2005; except that, on or after July 1, 2005, less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), may be used to change the income limit if authorized by annual appropriation;

(b) All persons who would be determined to be eligible for aid to the blind benefits under the eligibility standards in effect December 31, 1973, as authorized by 42 U.S.C. Section 1396a(f), or less restrictive methodologies as contained in the MO HealthNet state plan as of January 1, 2005, except that less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), shall be used to raise the income limit to one hundred percent of the federal poverty level;

(c) All persons who would be determined to be eligible for permanent and total disability benefits under the eligibility standards in effect December 31, 1973, as authorized by 42 U.S.C. Section 1396a(f); or less restrictive methodologies as contained in the MO HealthNet state plan as of January 1, 2005; except that, on or after July 1, 2005, less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), may be used to change the income limit if authorized by annual appropriations. Eligibility standards for permanent and total disability benefits shall not be limited by age;

(25) Persons who have been diagnosed with breast or cervical cancer and who are eligible for coverage pursuant to 42 U.S.C. Section 1396a(a)(10)(A)(ii)(XVIII). Such persons shall be eligible during a period of presumptive eligibility in accordance with 42 U.S.C. Section 1396r-1;

(26) Persons who are in foster care under the responsibility of the state of Missouri on the date such persons attained the age of eighteen years, or at any time during the thirty-day period preceding their eighteenth birthday, or persons who received foster care for at least six months in another state, are residing in Missouri, and are at least eighteen years of age, without regard to income or assets, if such persons:

- (a) Are under twenty-six years of age;
- (b) Are not eligible for coverage under another mandatory coverage group; and
- (c) Were covered by Medicaid while they were in foster care.

2. Rules and regulations to implement this section shall be promulgated in accordance with chapter 536. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.

3. After December 31, 1973, and before April 1, 1990, any family eligible for assistance pursuant to 42 U.S.C. Section 601, et seq., as amended, in at least three of the last six months immediately preceding the month in which such family became ineligible for such assistance because of increased income from employment shall, while a member of such family is employed, remain eligible for MO HealthNet benefits for four calendar months following the month in which such family would otherwise be determined to be ineligible for such assistance because of income and resource limitation. After April 1, 1990, any family receiving aid pursuant to 42 U.S.C. Section 601, et seq., as amended, in at least three of the six months immediately preceding the month in which such family becomes ineligible for such aid, because of hours of employment or income from employment of the caretaker relative, shall remain eligible for MO HealthNet benefits for six calendar months following the month of such

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ineligibility as long as such family includes a child as provided in 42 U.S.C. Section 1396r-6. Each family which has received such medical assistance during the entire six-month period described in this section and which meets reporting requirements and income tests established by the division and continues to include a child as provided in 42 U.S.C. Section 1396r-6 shall receive MO HealthNet benefits without fee for an additional six months. The MO HealthNet division may provide by rule and as authorized by annual appropriation the scope of MO HealthNet coverage to be granted to such families.

4. When any individual has been determined to be eligible for MO HealthNet benefits, such medical assistance will be made available to him or her for care and services furnished in or after the third month before the month in which he made application for such assistance if such individual was, or upon application would have been, eligible for such assistance at the time such care and services were furnished; provided, further, that such medical expenses remain unpaid.

5. The department of social services may apply to the federal Department of Health and Human Services for a MO HealthNet waiver amendment to the Section 1115 demonstration waiver or for any additional MO HealthNet waivers necessary not to exceed one million dollars in additional costs to the state, unless subject to appropriation or directed by statute, but in no event shall such waiver applications or amendments seek to waive the services of a rural health clinic or a federally qualified health center as defined in 42 U.S.C. Section 1396d(l)(1) and (2) or the payment requirements for such clinics and centers as provided in 42 U.S.C. Section 1396a(a)(15) and 1396a(bb) unless such waiver application is approved by the oversight committee created in section 208.955. A request for such a waiver so submitted shall only become effective by executive order not sooner than ninety days after the final adjournment of the session of the general assembly to which it is submitted, unless it is disapproved within sixty days of its submission to a regular session by a senate or house resolution adopted by a majority vote of the respective elected members thereof, unless the request for such a waiver is made subject to appropriation or directed by statute.

6. Notwithstanding any other provision of law to the contrary, in any given fiscal year, any persons made eligible for MO HealthNet benefits under subdivisions (1) to (22) of subsection 1 of this section shall only be eligible if annual appropriations are made for such eligibility. This subsection shall not apply to classes of individuals listed in 42 U.S.C. Section ~~1396a(a)(10)(A)(i)~~ **1396a(a)(10)(A)(i)**.

208.909. RESPONSIBILITIES OF RECIPIENTS AND VENDORS. — 1. Consumers receiving personal care assistance services shall be responsible for:

- (1) Supervising their personal care attendant;
 - (2) Verifying wages to be paid to the personal care attendant;
 - (3) Preparing and submitting time sheets, signed by both the consumer and personal care attendant, to the vendor on a biweekly basis;
 - (4) Promptly notifying the department within ten days of any changes in circumstances affecting the personal care assistance services plan or in the consumer's place of residence;
 - (5) Reporting any problems resulting from the quality of services rendered by the personal care attendant to the vendor. If the consumer is unable to resolve any problems resulting from the quality of service rendered by the personal care attendant with the vendor, the consumer shall report the situation to the department; ~~and~~
 - (6) Providing the vendor with all necessary information to complete required paperwork for establishing the employer identification number;
 - (7) Allowing the vendor to comply with its quality assurance and supervision process, which shall include, but not be limited to, annual face-to-face home visits and monthly case management activities; and**
 - (8) Report to the department significant changes in their health and ability to self-direct care.**
2. Participating vendors shall be responsible for:

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(1) Collecting time sheets or reviewing reports of delivered services and certifying the accuracy thereof;

(2) The Medicaid reimbursement process, including the filing of claims and reporting data to the department as required by rule;

(3) Transmitting the individual payment directly to the personal care attendant on behalf of the consumer;

(4) Monitoring the performance of the personal care assistance services plan. **Such monitoring shall occur during the annual face-to-face home visit under section 208.918. The vendor shall document whether services are being provided to the consumer as set forth in the plan of care. If the attendant was not providing services as set forth in the plan of care, the vendor shall notify the department and the department may suspend services to the consumer; and**

(5) Report to the department significant changes in the consumer's health or ability to self-direct care.

3. No state or federal financial assistance shall be authorized or expended to pay for services provided to a consumer under sections 208.900 to 208.927, if the primary benefit of the services is to the household unit, or is a household task that the members of the consumer's household may reasonably be expected to share or do for one another when they live in the same household, unless such service is above and beyond typical activities household members may reasonably provide for another household member without a disability.

4. No state or federal financial assistance shall be authorized or expended to pay for personal care assistance services provided by a personal care attendant who has not undergone the background screening process under section 192.2495. If the personal care attendant has a disqualifying finding under section 192.2495, no state or federal assistance shall be made, unless a good cause waiver is first obtained from the department in accordance with section 192.2495.

5. (1) All vendors shall, by July 1, 2015, have, maintain, and use a telephone tracking system for the purpose of reporting and verifying the delivery of consumer-directed services as authorized by the department of health and senior services or its designee. ~~[Use of such a system prior to July 1, 2015, shall be voluntary.]~~ The telephone tracking system shall be used to process payroll for employees and for submitting claims for reimbursement to the MO HealthNet division. At a minimum, the telephone tracking system shall:

(a) Record the exact date services are delivered;

(b) Record the exact time the services begin and exact time the services end;

(c) Verify the telephone number from which the services are registered;

(d) Verify that the number from which the call is placed is a telephone number unique to the client;

(e) Require a personal identification number unique to each personal care attendant;

(f) Be capable of producing reports of services delivered, tasks performed, client identity, beginning and ending times of service and date of service in summary fashion that constitute adequate documentation of service; and

(g) Be capable of producing reimbursement requests for consumer approval that assures accuracy and compliance with program expectations for both the consumer and vendor.

(2) ~~[The department of health and senior services, in collaboration with other appropriate agencies, including centers for independent living, shall establish telephone tracking system pilot projects, implemented in two regions of the state, with one in an urban area and one in a rural area. Each pilot project shall meet the requirements of this section and section 208.918. The department of health and senior services shall, by December 31, 2013, submit a report to the governor and general assembly detailing the outcomes of these pilot projects. The report shall take into consideration the impact of a telephone tracking system on the quality of the services delivered to the consumer and the principles of self directed care.]~~

~~(3)~~ As new technology becomes available, the department may allow use of a more advanced tracking system, provided that such system is at least as capable of meeting the requirements of this subsection.

~~[(4)]~~ (3) The department of health and senior services shall promulgate by rule the minimum necessary criteria of the telephone tracking system. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be invalid and void.

~~[6. In the event that a consensus between centers for independent living and representatives from the executive branch cannot be reached, the telephony report issued to the general assembly and governor shall include a minority report which shall detail those elements of substantial dissent from the main report.~~

7. No interested party, including a center for independent living, shall be required to contract with any particular vendor or provider of telephony services nor bear the full cost of the pilot program.]

208.918. VENDOR REQUIREMENTS, PHILOSOPHY AND SERVICES. — 1. In order to qualify for an agreement with the department, the vendor shall have a philosophy that promotes the consumer's ability to live independently in the most integrated setting or the maximum community inclusion of persons with physical disabilities, and shall demonstrate the ability to provide, directly or through contract, the following services:

(1) Orientation of consumers concerning the responsibilities of being an employer[;] **and supervision of personal care attendants including the preparation and verification of time sheets. Such orientation shall include notifying customers that falsification of attendant visit verification records shall be considered fraud and shall be reported to the department. Such orientation shall take place in the presence of the personal care attendant, to the fullest extent possible;**

(2) Training for consumers about the recruitment and training of personal care attendants;

(3) Maintenance of a list of persons eligible to be a personal care attendant;

(4) Processing of inquiries and problems received from consumers and personal care attendants;

(5) Ensuring the personal care attendants are registered with the family care safety registry as provided in sections 210.900 to ~~[210.937]~~ **210.936**; and

(6) The capacity to provide fiscal conduit services through a telephone tracking system by the date required under section 208.909.

2. In order to maintain its agreement with the department, a vendor shall comply with the provisions of subsection 1 of this section and shall:

(1) Demonstrate sound fiscal management as evidenced on accurate quarterly financial reports and **an annual financial statement audit [submitted to the department] performed by a certified public accountant if the vendor's annual gross revenue is two hundred thousand dollars or more or, if the vendor's annual gross revenue is less than two hundred thousand dollars, an annual financial statement audit or annual financial statement review performed by a certified public accountant. Such reports, audits, and reviews shall be completed and made available upon request to the department; [and]**

(2) Demonstrate a positive impact on consumer outcomes regarding the provision of personal care assistance services as evidenced on accurate quarterly and annual service reports submitted to the department;

(3) Implement a quality assurance and supervision process that ensures program compliance and accuracy of records, **including, but not limited to:**

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(a) The department of health and senior services shall promulgate by rule a consumer-directed services division provider certification manager course; and

(b) The vendor shall perform ongoing monitoring of the provision of services in the plan of care and shall assess the quality of care being delivered. Such monitoring shall include at least one annual face-to-face visit and may include electronic monitoring, telephone checks, written case notes, or other department-approved methods. The ongoing monitoring shall not preclude the vendor's responsibility of ongoing diligence of case management activity oversight;

(4) Comply with all provisions of sections 208.900 to 208.927, and the regulations promulgated thereunder; and

(5) Beginning July 1, 2022, maintain a business location which shall comply with any and all applicable city, county, state, and federal requirements.

3. No state or federal funds shall be authorized or expended to pay for personal care assistance services under sections 208.900 to 208.927 if any direct employee of the consumer-directed services vendor conducts the face-to-face home visit of a consumer for whom such employee is also the personal care attendant, unless such person provides services solely on a temporary basis on no more than three days in a thirty-day period.

208.924. DISCONTINUATION OF SERVICES, WHEN. — 1. A consumer's personal care assistance services may be discontinued under circumstances such as the following:

(1) The department learns of circumstances that require closure of a consumer's case, including one or more of the following: death, admission into a long-term care facility, no longer needing service, or inability of the consumer to consumer-direct personal care assistance service;

(2) The consumer has falsified records; **provided false information of his or her condition, functional capacity, or level of care needs;** or committed fraud;

(3) The consumer is noncompliant with the plan of care. Noncompliance requires persistent actions by the consumer which negate the services provided in the plan of care;

(4) The consumer or member of the consumer's household threatens or abuses the personal care attendant or vendor to the point where their welfare is in jeopardy and corrective action has failed;

(5) The maintenance needs of a consumer are unable to continue to be met because the plan of care hours exceed availability; and

(6) The personal care attendant is not providing services as set forth in the personal care assistance services plan and attempts to remedy the situation have been unsuccessful.

2. The personal care attendant shall report to the department if he or she witnesses significant deterioration of the health of the consumer or if he or she has a belief that the consumer is no longer capable of self-directed care.

208.935. ASSESSMENT TOOL, HOME AND COMMUNITY-BASED SERVICES. — Subject to appropriations, the department of health and senior services shall develop, or contract with a state agency or third party to develop an interactive assessment tool, which may include mobile as well as centralized functionality, for utilization when implementing the assessment and authorization process for MO HealthNet home and community-based services authorized by the division of senior and disability services.

321.621. EPINEPHRINE AUTO-INJECTOR DEVICES, STATEWIDE STANDING ORDER ISSUED FOR CERTAIN AREAS, WHEN — LIMITATION ON POSSESSION AND USE — FUND CREATED. — 1. For the purposes of this section, "qualified first responder" shall mean any state and local law enforcement agency staff, fire department personnel, fire district personnel, or licensed emergency medical technician who is acting under the directives and established protocols of a medical director who comes in contact with a person suffering from an anaphylactic reaction and

who has received training in recognizing and responding to anaphylactic reactions and the administration of epinephrine auto-injector devices to a person suffering from an apparent anaphylactic reaction. "Qualified first responder agencies" shall mean any state or local law enforcement agency, fire department, or ambulance service that provides documented training to its staff related to the administration of epinephrine auto-injector devices in an apparent anaphylactic reaction.

2. The director of the department of health and senior services, if a licensed physician, may issue a statewide standing order for epinephrine auto-injector devices for adult patients to fire protection districts in nonmetropolitan areas in Missouri as such areas are determined according to the United States Census Bureau's American Community Survey, based on the most recent of five-year period estimate data in which the final year of the estimate ends in either zero or five. If the director of the department of health and senior services is not a licensed physician, the department of health and senior services may employ or contract with a licensed physician who may issue such a statewide order with the express consent of the director.

3. Possession and use of epinephrine auto-injector devices for adult patients shall be limited as follows:

(1) No person shall use an epinephrine auto-injector device pursuant to this section unless such person has successfully completed a training course in the use of epinephrine auto-injector devices for adult patients approved by the director of the department of health and senior services. Nothing in this section shall prohibit the use of an epinephrine auto-injector device:

(a) By a health care professional licensed or certified by this state who is acting within the scope of his or her practice; or

(b) By a person acting pursuant to a lawful prescription;

(2) Every person, firm, organization and entity authorized to possess and use epinephrine auto-injector devices for adult patients pursuant to this section shall use, maintain and dispose of such devices for adult patients in accordance with the rules of the department;

(3) Every use of an epinephrine auto-injector device pursuant to this section shall immediately be reported to the emergency health care provider as defined in section 190.246.

4. (1) Use of an epinephrine auto-injector device pursuant to this section shall be considered first aid or emergency treatment for the purpose of any law relating to liability.

(2) Purchase, acquisition, possession or use of an epinephrine auto-injector device pursuant to this section shall not constitute the unlawful practice of medicine or the unlawful practice of a profession.

(3) Any person otherwise authorized to sell or provide an epinephrine auto-injector device may sell or provide it to a person authorized to possess it pursuant to this section.

5. (1) There is hereby created in the state treasury the "Epinephrine Auto-injector Devices for Fire Personnel Fund", which shall consist of money collected under this section. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The moneys in the fund as set forth in this section shall be subject to appropriation by the general assembly for the particular purpose for which collected. The fund shall be a dedicated fund and money in the fund shall be used solely by the department of health and senior services for the purposes of providing epinephrine auto-injector devices for adult patients to qualified first responder agencies as used in this section.

(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

(3) The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

338.035. APPLICATION, CONTENTS — INTERN PHARMACIST — BOARD SHALL PROMULGATE RULES, PROCEDURE. — 1. Every person who desires to be licensed as an intern pharmacist shall file with the board of pharmacy an application, on a form to be provided by the board of pharmacy.

2. If an applicant for an intern pharmacist license has complied with the requirements of this section and with the rules and regulations of the board of pharmacy and is not denied a license on any of the grounds listed in section 338.055, the board of pharmacy may issue to him a license to practice as an intern pharmacist.

3. Any intern pharmacist who wishes to renew his license shall within thirty days before the license expiration date file an application for a renewal.

4. A licensed intern pharmacist may practice pharmacy only under the direct supervision of a pharmacist licensed by the board; **provided, however, that an intern pharmacist working at a remote dispensing site pharmacy may be remotely supervised by a pharmacist working at a supervising pharmacy as provided for in section 338.215.**

5. The board of pharmacy shall promulgate rules and regulations which shall further regulate the duties of intern pharmacists and shall set the amount of the fees which shall accompany the license and renewal applications for intern pharmacists.

6. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

338.210. PHARMACY DEFINED — PRACTICE OF PHARMACY TO BE CONDUCTED AT PHARMACY LOCATION — RULEMAKING AUTHORITY. — 1. Pharmacy refers to any location where the practice of pharmacy occurs or such activities are offered or provided by a pharmacist or another acting under the supervision and authority of a pharmacist, including every premises or other place:

(1) Where the practice of pharmacy is offered or conducted;

(2) Where drugs, chemicals, medicines, any legend drugs under 21 U.S.C. Section 353, prescriptions, or poisons are compounded, prepared, dispensed or sold or offered for sale at retail;

(3) Where the words "pharmacist", "apothecary", "drugstore", "drugs", and any other symbols, words or phrases of similar meaning or understanding are used in any form to advertise retail products or services;

(4) Where patient records or other information is maintained for the purpose of engaging or offering to engage in the practice of pharmacy or to comply with any relevant laws regulating the acquisition, possession, handling, transfer, sale or destruction of drugs, chemicals, medicines, prescriptions or poisons;

(5) Where the practice of pharmacy occurs or is offered at a remote dispensing pharmacy site.

2. All activity or conduct involving the practice of pharmacy as it relates to an identifiable prescription or drug order shall occur at the pharmacy location where such identifiable prescription or drug order is first presented by the patient or the patient's authorized agent for preparation or dispensing, unless otherwise expressly authorized by the board.

3. The requirements set forth in subsection 2 of this section shall not be construed to bar the complete transfer of an identifiable prescription or drug order pursuant to a verbal request by or the written consent of the patient or the patient's authorized agent.

4. The board is hereby authorized to enact rules waiving the requirements of subsection 2 of this section and establishing such terms and conditions as it deems necessary, whereby any activities related to the preparation, dispensing or recording of an identifiable prescription or drug order may be shared between separately licensed facilities.

5. If a violation of this chapter or other relevant law occurs in connection with or adjunct to the preparation or dispensing of a prescription or drug order, any permit holder or pharmacist-in-charge at

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any facility participating in the preparation, dispensing, or distribution of a prescription or drug order may be deemed liable for such violation.

6. Nothing in this section shall be construed to supersede the provisions of section 197.100.

338.215. REMOTE DISPENSING SITE PHARMACY — DEFINITIONS — REQUIREMENTS — SUPERVISION — LOCATION — STAFFING — LICENSE REQUIRED, WHEN — RULEMAKING AUTHORITY. — 1. For purposes of this section, the following terms mean:

(1) "Remote dispensing site pharmacy", any location in this state where the practice of pharmacy occurs and that is licensed as a pharmacy to dispense prescription drugs and is staffed by one or more qualified pharmacy technicians, as defined by the board, or intern pharmacists, whose activities are supervised by a pharmacist at a supervising pharmacy through a continuous real-time audio and video link. "Remote dispensing site pharmacy" does not include the office of a dispensing prescriber or an automated device;

(2) "Supervising pharmacy", a pharmacy licensed in this state under the provisions of chapter 338 that oversees the dispensation activities of a remote dispensing site pharmacy.

2. A supervising pharmacy that operates a remote dispensing site pharmacy, and the remote dispensing site pharmacy, shall be licensed as a pharmacy by the board of pharmacy. The board shall issue a license to a remote dispensing site pharmacy that meets the requirements of this subsection. The remote dispensing site pharmacy shall:

(1) Submit an application and pay the licensing fee established by the board;

(2) Be jointly owned by a supervising pharmacy; and

(3) Maintain a policy and procedures manual that includes the following:

(a) A description of how the supervising pharmacy and remote dispensing site pharmacy will comply with federal and state laws, rules, and regulations;

(b) The procedure for the supervising pharmacy to supervise the remote dispensing site pharmacy and counsel patients in accordance with the laws of this state prior to the dispensing of a prescription drug under this section;

(c) The procedure for reviewing the prescription drug inventory and drug records maintained by the remote dispensing site pharmacy;

(d) The policy and procedure for providing appropriate security to protect the confidentiality and integrity of patient information;

(e) The written plan for recovery from an event that interrupts or prevents a pharmacist from supervising the operation of the remote dispensing site pharmacy;

(f) The specific duties, tasks, and functions that a registered pharmacy technician or intern pharmacist is authorized to perform at the remote dispensing site pharmacy under the remote supervision of a licensed pharmacist at the supervising pharmacy; and

(g) The procedure for maintaining an up-to-date inventory of all controlled substances.

3. A remote dispensing site pharmacy shall be under the supervision and control of a supervising pharmacist employed by the supervising pharmacy. The supervising pharmacist shall not be required to be immediately physically present to supervise activities at the remote dispensing site pharmacy, but shall make monthly visits to the remote dispensing site pharmacy in order to ensure compliance with this section.

4. A supervising pharmacist and a remote dispensing site pharmacy shall share common ownership. A pharmacist shall neither be designated nor act as a supervising pharmacist for more than two remote dispensing site pharmacies at one time.

5. A pharmacist at the supervising pharmacy shall verify each prescription before it leaves the remote dispensing site pharmacy. Verification shall occur through the use of technology that includes bar coding and visual review via remote video. As applicable, a pharmacist, intern pharmacist, and pharmacy technician's initials or unique identifier shall appear in the

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prescription record to identify the name and specific activities of each pharmacist, intern pharmacist, or pharmacy technician involved in the dispensing process.

6. Unless a pharmacist is onsite at the remote dispensing site pharmacy, counseling shall be done by a supervising pharmacist at the supervising pharmacy via a HIPAA-compliant continuous real-time video and audio link before a drug or medical device is released to the patient. The system being used to perform the consultation shall retain the initials or unique identifier of the pharmacist who performs the consultation. The pharmacist providing counseling under this subsection shall be employed by and located at the supervising pharmacy and have access to all relevant patient information maintained by the remote dispensing site pharmacy.

7. A remote dispensing site pharmacy shall be located at least ten miles from an existing retail pharmacy unless:

(1) The remote dispensing site pharmacy is part of a community mental health center, federally qualified health center, rural health clinic, or outpatient clinic setting; or

(2) An applicant of a proposed remote dispensing site pharmacy demonstrates to the board how the proposed remote dispensing site pharmacy will promote public health.

8. The remote dispensing pharmacy shall be staffed by a pharmacist at least eight hours a month and shall reconcile the up-to-date controlled substance inventory twice a month. The supervising pharmacist may provide services as allowed in section 338.010 and as provided by policies and procedures.

9. If the average number of prescriptions dispensed per day by the remote dispensing site pharmacy exceeds one hundred fifty prescriptions, the remote dispensing site pharmacy shall, within ten days, apply to the board for licensure as a class A, B, or C pharmacy, as applicable. The average number of prescriptions dispensed per day shall be determined by averaging the number of prescriptions dispensed per day over the previous ninety-day period.

10. Unless otherwise approved by the board, the supervising pharmacy shall be located in this state and within fifty road miles of a remote dispensing site pharmacy to ensure that the remote dispensing site pharmacy is sufficiently supported by the supervising pharmacy and that necessary personnel or supplies may be delivered to the remote dispensing site pharmacy within a reasonable period of time of an identified need.

11. The board of pharmacy may promulgate all necessary rules and regulations for the implementation of this section, provided that no such rules and regulations shall restrict the practice of pharmacy at a remote dispensing site pharmacy. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2020, shall be invalid and void.

338.220. OPERATION OF PHARMACY WITHOUT PERMIT OR LICENSE UNLAWFUL — APPLICATION FOR PERMIT, CLASSIFICATIONS, FEE — DURATION OF PERMIT. — 1. It shall be unlawful for any person, copartnership, association, corporation or any other business entity to open, establish, operate, or maintain any pharmacy as defined by statute without first obtaining a permit or license to do so from the Missouri board of pharmacy. A permit shall not be required for an individual licensed pharmacist to perform nondispensing activities outside of a pharmacy, as provided by the rules of the board. A permit shall not be required for an individual licensed pharmacist to administer drugs,

vaccines, and biologicals by protocol, as permitted by law, outside of a pharmacy. The following classes of pharmacy permits or licenses are hereby established:

- (1) Class A: Community/ambulatory;
- (2) Class B: Hospital pharmacy;
- (3) Class C: Long-term care;
- (4) Class D: Nonsterile compounding;
- (5) Class E: Radio pharmaceutical;
- (6) Class F: Renal dialysis;
- (7) Class G: Medical gas;
- (8) Class H: Sterile product compounding;
- (9) Class I: Consultant services;
- (10) Class J: Shared service;
- (11) Class K: Internet;
- (12) Class L: Veterinary;
- (13) Class M: Specialty (bleeding disorder);
- (14) Class N: Automated dispensing system (health care facility);
- (15) Class O: Automated dispensing system (ambulatory care);
- (16) Class P: Practitioner office/clinic;
- (17) Class Q: Charitable pharmacy; and**
- (18) Class R: Remote dispensing site pharmacy.**

2. Application for such permit or license shall be made upon a form furnished to the applicant; shall contain a statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing same, subject to the penalties of making a false affidavit or declaration; and shall be accompanied by a permit or license fee. The permit or license issued shall be renewable upon payment of a renewal fee. Separate applications shall be made and separate permits or licenses required for each pharmacy opened, established, operated, or maintained by the same owner.

3. All permits, licenses or renewal fees collected pursuant to the provisions of sections 338.210 to 338.370 shall be deposited in the state treasury to the credit of the Missouri board of pharmacy fund, to be used by the Missouri board of pharmacy in the enforcement of the provisions of sections 338.210 to 338.370, when appropriated for that purpose by the general assembly.

4. Class L: veterinary permit shall not be construed to prohibit or interfere with any legally registered practitioner of veterinary medicine in the compounding, administering, prescribing, or dispensing of their own prescriptions, or medicine, drug, or pharmaceutical product to be used for animals.

5. Except for any legend drugs under 21 U.S.C. Section 353, the provisions of this section shall not apply to the sale, dispensing, or filling of a pharmaceutical product or drug used for treating animals.

6. A "class B hospital pharmacy" shall be defined as a pharmacy owned, managed, or operated by a hospital as defined by section 197.020 or a clinic or facility under common control, management or ownership of the same hospital or hospital system. This section shall not be construed to require a class B hospital pharmacy permit or license for hospitals solely providing services within the practice of pharmacy under the jurisdiction of, and the licensure granted by, the department of health and senior services under and pursuant to chapter 197.

7. Upon application to the board, any hospital that holds a pharmacy permit or license on August 28, 2014, shall be entitled to obtain a class B pharmacy permit or license without fee, provided such application shall be submitted to the board on or before January 1, 2015.

338.260. BUSINESS NAME NOT TO INCLUDE CERTAIN WORDS UNLESS SUPERVISED BY PHARMACIST — HISTORICAL NAMES PERMITTED — BOARD OF PHARMACY MAY ENFORCE —

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REMOTE DISPENSING SITE PHARMACY, PHYSICAL PRESENCE OF PHARMACIST NOT REQUIRED,

WHEN. — 1. No person shall carry on, conduct or transact a business under a name which contains as part of the name the words "pharmacist", "pharmacy", "apothecary", "apothecary shop", "chemist shop", "drug store", "druggist", "drugs", "consultant pharmacist", or any word of similar or like import, unless the place of business is supervised by a licensed pharmacist.

2. Nothing in this chapter shall be construed to prevent any person from using a historical name in reference to any building, structure, or business so long as the person is not engaged in the practice of pharmacy as defined in section 338.010.

3. Notwithstanding the provisions of subsection 2 of this section, the board of pharmacy shall retain authority to enforce the provisions of subsection 1 of this section against any person offering for sale any naturopathic or homeopathic service or any herbal, nutritional, vitamin, dietary, mineral, or other supplement intended for human application, absorption, or consumption.

4. Supervision of a licensed remote dispensing site pharmacy shall not require a pharmacist to be physically present at the remote dispensing site pharmacy location, provided that dispensing activities are supervised by a supervising pharmacist located at a Missouri-licensed supervising pharmacy through the use of a continuous real-time audio and video link.

344.030. LICENSE, QUALIFICATIONS, FEE, EXAMINATION, TERM — EMERGENCY LICENSE.

— 1. An applicant for an initial license shall file a completed application with the board on a form provided by the board, accompanied by an application fee as provided by rule payable to the department of health and senior services. Information provided in the application shall be attested by signature to be true and correct to the best of the applicant's knowledge and belief.

2. No initial license shall be issued to a person as a nursing home administrator unless:

(1) The applicant provides the board satisfactory proof that the applicant is of good moral character and a high school graduate or equivalent;

(2) The applicant provides the board satisfactory proof that the applicant has had a minimum of three years' experience in health care administration or two years of postsecondary education in health care administration, **or an associate degree or higher from an accredited academic institution**, or has satisfactorily completed a course of instruction and training prescribed by the board, which includes instruction in the needs properly to be served by nursing homes, the protection of the interests of residents therein, and the elements of good nursing home administration, or has presented evidence satisfactory to the board of sufficient education, training, or experience in the foregoing fields to administer, supervise and manage a nursing home; and

(3) The applicant passes the examinations administered by the board. If an applicant fails to make a passing grade on either of the examinations such applicant may make application for reexamination on a form furnished by the board and may be retested. If an applicant fails either of the examinations a third time, the applicant shall be required to complete a course of instruction prescribed and approved by the board. After completion of the board-prescribed course of instruction, the applicant may reapply for examination. With regard to the national examination required for licensure, no examination scores from other states shall be recognized by the board after the applicant has failed his or her third attempt at the national examination. There shall be a separate, nonrefundable fee for each examination. The board shall set the amount of the fee for examination by rules and regulations promulgated pursuant to section 536.021. The fee shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering the examination.

3. Nothing in sections 344.010 to 344.108, or the rules or regulations thereunder shall be construed to require an applicant for a license as a nursing home administrator, who is employed by an institution listed and certified by the Commission for Accreditation of Christian Science Nursing Organizations/Facilities, Inc., to administer institutions certified by such commission for the care and treatment of the sick in accordance with the creed or tenets of a recognized church or religious

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denomination, to demonstrate proficiency in any techniques or to meet any educational qualifications or standards not in accord with the remedial care and treatment provided in such institutions. The applicant's license shall be endorsed to confine the applicant's practice to such institutions.

4. The board may issue a temporary emergency license for a period not to exceed ~~[ninety]~~ **one hundred and twenty** days to a person ~~[twenty-one years of age or over, of good moral character and a high school graduate or equivalent]~~ **that has met the temporary emergency license criteria established by the board** to serve as an acting ~~[nursing home]~~ administrator, provided such person is replacing a licensed ~~[nursing home]~~ administrator who has died, has been removed or has vacated the ~~[nursing home]~~ administrator's position. No temporary emergency license may be issued to a person who has had ~~[a nursing home]~~ an administrator's license denied, suspended or revoked. ~~[A temporary emergency license may be renewed for one additional ninety-day period upon a showing that the person seeking the renewal of a temporary emergency license meets the qualifications for licensure and has filed an application for a regular license, accompanied by the application fee, and the applicant has taken the examination or examinations but the results have not been received by the board. No temporary emergency license may be renewed more than one time.]~~

345.050. REQUIREMENTS TO BE MET FOR LICENSE. — 1. To be eligible for licensure by the board by examination, each applicant shall submit the application fee and shall furnish evidence of such person's good moral and ethical character, current competence and shall:

(1) Hold a master's or a doctoral degree from a program **that was awarded "accreditation candidate" status or is** accredited by the Council on Academic Accreditation of the American Speech-Language-Hearing Association or other accrediting agency approved by the board in the area in which licensure is sought;

(2) Submit official transcripts from one or more accredited colleges or universities presenting evidence of the completion of course work and clinical practicum requirements equivalent to that required by the Council on Academic Accreditation of the American Speech-Language-Hearing Association or other accrediting agency approved by the board; and

(3) Pass an examination promulgated or approved by the board. The board shall determine the subject and scope of the examinations.

2. To be eligible for licensure by the board without examination, each applicant shall make application on forms prescribed by the board, submit the application fee and shall be of good moral and ethical character, submit an activity statement and meet one of the following requirements:

(1) The board shall issue a license to any speech-language pathologist or audiologist who is licensed in another country and who has had no violations, suspension or revocations of a license to practice speech-language pathology or audiology in any jurisdiction; provided that, such person is licensed in a country whose requirements are substantially equal to, or greater than, Missouri at the time the applicant applies for licensure; or

(2) Hold the certificate of clinical competence issued by the American Speech-Language-Hearing Association in the area in which licensure is sought.

376.383. HEALTH CARE CLAIMS FOR REIMBURSEMENT, HOW PAID, WHEN — DEFINITIONS — CLEAN CLAIMS, PROCEDURE — UNPAID CLAIMS, PROCEDURE — FRAUDULENT CLAIMS, NOTIFICATION TO THE DEPARTMENT, PROCEDURE — REQUESTS FOR ADDITIONAL INFORMATION, CONTENTS. — 1. For purposes of this section and section 376.384, the following terms shall mean:

(1) "Claimant", any individual, corporation, association, partnership or other legal entity asserting a right to payment arising out of a contract or a contingency or loss covered under a health benefit plan as defined in section 376.1350;

(2) "Clean claim", a claim that has no defect, impropriety, lack of any required substantiating documentation, or particular circumstance requiring special treatment that prevents timely payment;

(3) "Deny" or "denial", when the health carrier refuses to reimburse all or part of the claim;

(4) "Health care provider", health care provider as defined in section 376.1350;

(5) "Health care services", health care services as defined in section 376.1350;

(6) "Health carrier", health carrier as defined in section 376.1350 and any self-insured health plan, to the extent allowed by federal law; except that health carrier shall not include a workers' compensation carrier providing benefits to an employee pursuant to chapter 287. For the purposes of this section and section 376.384, third-party contractors are health carriers;

(7) "Processing days", number of days the health carrier or any of its agents, subsidiaries, contractors, subcontractors, or third-party contractors has the claim in its possession. Processing days shall not include days in which the health carrier is waiting for a response to a request for additional information from the claimant;

(8) "Request for additional information", a health carrier's electronic or facsimile request for additional information from the claimant specifying all of the documentation or information necessary to process all of the claim, or all of the claim on a multi-claim form, as a clean claim for payment;

(9) "Third-party contractor", a third party contracted with the health carrier to receive or process claims for reimbursement of health care services.

2. Within forty-eight hours after receipt of an electronically filed claim by a health carrier or a third-party contractor, a health carrier shall send an electronic acknowledgment of the date of receipt.

3. Within thirty processing days after receipt of a filed claim by a health carrier or a third-party contractor, a health carrier shall send an electronic or facsimile notice of the status of the claim that notifies the claimant:

(1) Whether the claim is a clean claim as defined under this section; or

(2) The claim requires additional information from the claimant.

If the claim is a clean claim, then the health carrier shall pay or deny the claim. If the claim requires additional information, the health carrier shall include in the notice a request for additional information. If a health carrier pays the claim, this subsection shall not apply.

4. Within ten processing days after receipt of additional information by a health carrier or a third-party contractor, a health carrier shall pay the claim or any undisputed part of the claim in accordance with this section or send an electronic or facsimile notice of receipt and status of the claim:

(1) That denies all or part of the claim and specifies each reason for denial; or

(2) That makes a final request for additional information.

5. Within five processing days after the day on which the health carrier or a third-party contractor receives the additional requested information in response to a final request for information, it shall pay the claim or any undisputed part of the claim or deny the claim.

6. **(1) If the health carrier has not paid the claimant on or before the forty-fifth processing day from the date of receipt of the claim, the health carrier shall pay the claimant one percent interest per month and a penalty in an amount equal to one percent of the claim per day. On claims where the amount owed by a health carrier exceeds thirty-five thousand dollars on the unpaid balance of a claim, the health carrier shall pay the claimant one percent interest per month and a penalty in an amount equal to one percent of the claim per day for a maximum of one hundred days, and thereafter shall pay the claimant two percent interest per month.** The interest and penalty shall be calculated based upon the unpaid balance of the claim as of the forty-fifth processing day. The interest and penalty paid pursuant to this subsection shall be included in any late reimbursement without the necessity for the person that filed the original claim to make an additional claim for that interest and penalty. A health carrier may combine interest payments and make payment once the aggregate amount reaches one hundred dollars.

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(2) Any claim **or portion of a claim** which has been properly denied before the forty-fifth processing day under this section and section 376.384 shall not be subject to interest or penalties. **For a claim or any portion of such claim that was denied before the forty-fifth processing day, interest and penalties shall begin to accrue beginning on the date the first appeal is filed by the claimant with the health carrier until such claim is paid, if the claim or portion of the claim is approved. If any appeal filed with the health carrier does not result in the disputed claim or portion of such claim being approved for payment to the claimant, and a petition is filed in a court of competent jurisdiction to recover payment of all or part of such claim, interest and penalties shall continue to accrue for no more than one hundred days from the day the first appeal was filed by the claimant with the health carrier, and such interest and penalties shall [ease] continue to accrue [on the day] ten days after [a petition is filed in] a court of competent jurisdiction [to recover payment of such claim] finds that the claim or portion of the claim shall be paid to the claimant.** Upon a finding by a court of competent jurisdiction that the health carrier failed to pay a claim, interest, or penalty without good cause, the court shall enter judgment for reasonable attorney fees for services necessary for recovery. Upon a finding that a health care provider filed suit without reasonable grounds to recover a claim, the court shall award the health carrier reasonable attorney fees necessary to the defense.

7. The department of commerce and insurance shall monitor denials and determine whether the health carrier acted reasonably.

8. If a health carrier or third-party contractor has reasonable grounds to believe that a fraudulent claim is being made, the health carrier or third-party contractor shall notify the department of commerce and insurance of the fraudulent claim pursuant to sections 375.991 to 375.994.

9. Denial of a claim shall be communicated to the claimant and shall include the specific reason why the claim was denied. Any claim for which the health carrier has not communicated a specific reason for the denial shall not be considered denied under this section or section 376.384.

10. Requests for additional information shall specify all of the documentation and additional information that is necessary to process all of the claim, or all of the claims on a multi-claim form, as a clean claim for payment. Information requested shall be reasonable and pertain solely to the health carrier's liability. The health carrier shall acknowledge receipt of the requested additional information to the claimant within five calendar days or pay the claim.

376.387. PHARMACY BENEFITS MANAGER, LIMITATIONS AND RESTRICTIONS — ENFORCEMENT. — 1. For purposes of this section, the following terms shall mean:

- (1) "Covered person", the same meaning as such term is defined in section 376.1257;
- (2) "Health benefit plan", the same meaning as such term is defined in section 376.1350;
- (3) **"Health carrier" or "carrier", the same meaning as such term is defined in section 376.1350;**
- (4) **"Pharmacy", the same meaning as such term is defined in chapter 338;**
- (5) "Pharmacy benefits manager", the same meaning as such term is defined in section 376.388.

2. No pharmacy benefits manager shall include a provision in a contract entered into or modified on or after August 28, 2018, with a pharmacy or pharmacist that requires a covered person to make a payment for a prescription drug at the point of sale in an amount that exceeds the lesser of:

- (1) The copayment amount as required under the health benefit plan; or
- (2) The amount an individual would pay for a prescription if that individual paid with cash.

3. A pharmacy or pharmacist shall have the right to provide to a covered person information regarding the amount of the covered person's cost share for a prescription drug, the covered person's cost of an alternative drug, and the covered person's cost of the drug without adjudicating the claim through the pharmacy benefits manager. Neither a pharmacy nor a pharmacist shall be proscribed by a pharmacy benefits manager from discussing any such information or from selling a more affordable alternative to the covered person.

4. No pharmacy benefits manager shall, directly or indirectly, charge or hold a pharmacist or pharmacy responsible for any fee amount related to a claim that is not known at the time of the claim's adjudication, unless the amount is a result of improperly paid claims or charges for administering a health benefit plan.

5. This section shall not apply with respect to claims under Medicare Part D, or any other plan administered or regulated solely under federal law, and to the extent this section may be preempted under the Employee Retirement Income Security Act of 1974 for self-funded employer-sponsored health benefit plans.

6. A pharmacy benefits manager shall notify in writing any health carrier with which it contracts if the pharmacy benefits manager has a conflict of interest, any commonality of ownership, or any other relationship, financial or otherwise, between the pharmacy benefits manager and any other health carrier with which the pharmacy benefits manager contracts.

7. The department of commerce and insurance shall enforce this section.

376.393. PHARMACY BENEFITS MANAGER, LICENSE REQUIRED — DEFINITIONS — COMPLAINTS, PROCEDURE. — 1. As used in this section, the following terms shall mean:

(1) "Health carrier" or "carrier", the same meaning as is ascribed to such term in section 376.1350;

(2) "Pharmacy benefits manager", the same meaning as is ascribed to such term in section 376.388.

2. No entity subject to the jurisdiction of this state shall act as a pharmacy benefits manager without a license issued by the department. The department shall establish by rule the application process and license fee for pharmacy benefits managers.

3. The department may cause a complaint to be filed with the administrative hearing commission as provided in chapter 621 against any holder of a license issued under this section for:

(1) Violation of the laws or regulations of any state or of the United States, where the offense is reasonably related to the qualifications, functions, or duties of a pharmacy benefit manager, including, but not limited to, where an essential element of the offense is fraud, dishonesty, or an act of violence, or where the offense involves moral turpitude, or where the offense involves failure to comply with a requirement of this chapter, whether or not sentence or penalty is imposed;

(2) Use of fraud, deception, misrepresentation, or bribery for any reason;

(3) Obtaining or attempting to obtain any fee, charge, tuition, or other compensation by fraud, deception, or misrepresentation;

(4) Incompetence, misconduct, gross negligence, or dishonesty in the performance of the functions or duties of a pharmacy benefits manager or other regulated profession or activity; or

(5) Disciplinary action taken against the holder of a license or other right to practice as a pharmacy benefits manager or other regulated profession.

After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that grounds provided in this subsection for disciplinary action are met, the department may, singly or in combination, censure or place the person named in the complaint on probation with such terms and conditions as the department deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke the license, certificate, or permit. An individual whose license has been revoked shall wait at least one year from the date of revocation to apply for relicensure. Relicensure shall be at the discretion of the department.

376.782. MAMMOGRAPHY — LOW-DOSE SCREENING, DEFINED — HEALTH CARE POLICIES TO PROVIDE REQUIRED COVERAGE. —

1. As used in this section, the term "low-dose mammography screening" means the X-ray examination of the breast using equipment specifically designed and dedicated for mammography, including the X-ray tube, filter, compression device, **detector**, films, and cassettes, with an average radiation exposure delivery of less than one rad mid-breast, with two views for each breast, and any fee charged by a radiologist or other physician for reading, interpreting or diagnosing based on such X-ray. As used in this section, the term "low-dose mammography screening" shall also include digital mammography and breast tomosynthesis. As used in this section, the term "breast tomosynthesis" shall mean a radiologic procedure that involves the acquisition of projection images over the stationary breast to produce cross-sectional digital three-dimensional images of the breast.

2. All individual and group health insurance policies providing coverage on an expense-incurred basis, individual and group service or indemnity type contracts issued by a nonprofit corporation, individual and group service contracts issued by a health maintenance organization, all self-insured group arrangements to the extent not preempted by federal law and all managed health care delivery entities of any type or description, that are delivered, issued for delivery, continued or renewed on or after August 28, 1991, and providing coverage to any resident of this state shall provide benefits or coverage for low-dose mammography screening for any nonsymptomatic woman covered under such policy or contract which meets the minimum requirements of this section. Such benefits or coverage shall include at least the following:

- (1) A baseline mammogram for women age thirty-five to thirty-nine, inclusive;
- (2) A mammogram every year for women age forty and over;
- (3) A mammogram **every year** for any woman ~~[-upon the recommendation of a physician, where such woman, her mother or her sister has a prior history of breast cancer]~~ **deemed by a treating physician to have an above-average risk for breast cancer in accordance with the American College of Radiology guidelines for breast cancer screening;**
- (4) **Any additional or supplemental imaging, such as breast magnetic resonance imaging or ultrasound, deemed medically necessary by a treating physician for proper breast cancer screening or evaluation in accordance with applicable American College of Radiology guidelines; and**
- (5) **Ultrasound or magnetic resonance imaging services, if determined by a treating physician to be medically necessary for the screening or evaluation of breast cancer for any woman deemed by the treating physician to have an above-average risk for breast cancer in accordance with American College of Radiology guidelines for breast cancer screening.**

3. Coverage and benefits ~~[related to mammography as]~~ required ~~[by]~~ **under** this section shall be at least as favorable and subject to the same dollar limits, deductibles, and co-payments as other radiological examinations; provided, however, that on and after January 1, 2019, providers of ~~[low-dose mammography screening]~~ **health care services specified under this section** shall be reimbursed at rates accurately reflecting the resource costs specific to each modality, including any increased resource cost ~~[of breast tomosynthesis]~~.

376.945. ESCROW ACCOUNT, AMOUNT REQUIRED — PRINCIPAL, HOW RELEASED, INVESTMENT. —

1. The department shall, as a condition of the issuance of a certificate of authority pursuant to section 376.935, require that the provider establish a reserve of an amount equal to at least fifty percent of any entrance fee paid by the first occupant of a living unit under a life care contract. The reserve shall be maintained by the provider on a current basis, in escrow with a bank, trust company, or other escrow agent approved by the department. ~~[Such]~~ **The entire amount of such** reserve shall be amortized and earned by **and available for release to** the provider at the rate of one percent per month on the balance of the reserve, provided, however, that at no time shall the entrance fee reserve together

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with all interest earned thereon total less than an amount equal to one ~~[and one-half times the percentage]~~ **hundred percent** of the annual long-term debt principal and interest payments of the provider applicable only to living units occupied under life care contracts. Such portion of each entrance fee as is necessary to maintain the entrance fee reserve as set forth herein shall be paid to the reserve fund for the second and all subsequent occupancies of a living unit occupied under a life care contract. **The requirements of this subsection may be met in whole or in part by other reserve funds held for the purpose of meeting loan obligations, provided that the total amount equals or exceeds the amount required under this subsection.**

2. In addition, each provider shall establish and maintain separately for each facility, a reserve equal to not less than five percent of the facility's total outstanding balance of contractually obligated move-out refunds at the close of each fiscal year. ~~[All reserves required hereunder for move-out refunds]~~

3. **All reserve funds held under subsections 1 or 2 of this section** shall be held in liquid assets consisting of federal government or other marketable securities, deposits, or accounts insured by the federal government.

4. This section shall be applicable only to life care contracts executed for occupancy of living units constructed after September 28, 1981.

376.1345. METHOD OF REIMBURSEMENT NOT TO REQUIRE FEE, DISCOUNT, OR REMUNERATION — NOTIFICATION REQUIREMENTS — ELECTRONIC FUNDS TRANSFER, WHEN — OVERPAYMENT, PROCEDURE — VIOLATION, PENALTY. — 1. As used in this section, unless the context clearly indicates otherwise, terms shall have the same meaning as ascribed to them in section 376.1350.

2. No health carrier, nor any entity acting on behalf of a health carrier, shall restrict methods of reimbursement to health care providers for health care services to a reimbursement method requiring the provider to pay a fee, discount the amount of their claim for reimbursement, or remit any other form of remuneration in order to redeem the amount of their claim for reimbursement.

3. If a health carrier initiates or changes the method used to reimburse a health care provider to a method of reimbursement that will require the health care provider to pay a fee, discount the amount of its claim for reimbursement, or remit any other form of remuneration to the health carrier or any entity acting on behalf of the health carrier in order to redeem the amount of its claim for reimbursement, the health carrier or an entity acting on its behalf shall:

(1) Notify such health care provider of the fee, discount, or other remuneration required to receive reimbursement through the new or different reimbursement method; and

(2) In such notice, provide clear instructions to the health care provider as to how to select an alternative payment method, and upon request such alternative payment method shall be used to reimburse the provider until the provider requests otherwise.

4. A health carrier shall allow the provider to select to be reimbursed by an electronic funds transfer through the Automated Clearing House Network as required pursuant to 45 C.F.R. Sections 162.925, 162.1601, and 162.1602, and if the provider makes such selection, the health carrier shall use such reimbursement method to reimburse the provider until the provider requests otherwise.

5. **An amount a health carrier claims was overpaid to a provider may only be collected, withheld, or recouped from the provider, or third party that submitted the provider's claim under the third party's provider identification number, to whom the overpaid amount was originally paid. The notice of withholding or recoupment by a health carrier shall also inform the provider or third party of the health care service, date of service, and patient for which the recoupment is being made.**

6. Violation of this section shall be deemed an unfair trade practice under sections 375.930 to 375.948.

376.1578. CREDENTIALING PROCEDURE, HEALTH CARRIER DUTIES — COVERED HEALTH SERVICES, PAYMENT, WHEN — VIOLATIONS, MECHANISM FOR REPORTING. — 1. Within two working days after receipt of a ~~faxed or mailed completed~~ **credentialing** application, the health carrier shall send a notice of receipt to the practitioner. A health carrier shall provide access to a provider web portal that allows the practitioner to receive notice of the status of an electronically submitted application.

2. **If a health carrier determines the application is not a completed application, the health carrier shall have ten days from the date the notice of receipt was sent as required in subsection 1 of this section to request any additional information from the practitioner. The application shall be considered a completed application upon receipt of the requested additional information from the practitioner. Within two working days of receipt of the requested additional information, the health carrier shall send a notice to the practitioner informing him or her that he or she has submitted a completed application. If the health carrier does not request additional information, the application shall be deemed completed as of the date the notice of receipt was sent as required under subsection 1 of this section.**

3. A health carrier shall assess a health care practitioner's **completed** credentialing ~~[information]~~ **application** and make a decision as to whether to approve or deny the practitioner's credentialing application **and notify the practitioner of such decision** within sixty ~~[business]~~ days of the date of receipt of the completed application. The sixty-day deadline established in this section shall not apply if the application or subsequent verification of information indicates that the practitioner has:

- (1) A history of behavioral disorders or other impairments affecting the practitioner's ability to practice, including but not limited to substance abuse;
- (2) Licensure disciplinary actions against the practitioner's license to practice imposed by any state or territory or foreign jurisdiction;
- (3) Had the practitioner's hospital admitting or surgical privileges or other organizational credentials or authority to practice revoked, restricted, or suspended based on the practitioner's clinical performance; or
- (4) A judgment or judicial award against the practitioner arising from a medical malpractice liability lawsuit.

4. **If a practitioner's application is approved, the health carrier shall provide payments for covered health services performed by the practitioner during the credentialing period if the provision of services was on behalf of an entity that had a contract with such health carrier during the credentialing period. The contracted entity for which the practitioner is providing services shall submit to the health carrier all claims for services provided by such practitioner during the credentialing period within six months after the health carrier has approved that practitioner's credentialing application. Claims submitted for reimbursement under this section shall be sent to the carrier by the provider in a single request or as few requests as practical subject to any technical constraints or other issues out of the contracted provider's control. "Credentialing period" shall mean the time between the date the practitioner submits a completed application to the health carrier to be credentialed and the date the practitioner's credentialing is approved by the health carrier. No practitioner that has submitted an application in accordance with the provisions of this subsection shall send any claim to the patient for charges incurred for care of the patient during the credentialing period with the patient's health carrier.**

5. A health carrier shall not require a practitioner to be credentialed in order to receive payments for covered patient care services if the practitioner is providing coverage for an absent credentialed practitioner during a temporary period of time not to exceed:

- (1) Sixty days if the reason for the absence of the credentialed practitioner is for any of the conditions described in 29 CFR 825.113, 29 CFR 825.115, or 29 CFR 825.120, or any amendments or successor regulations thereto; or

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(2) Thirty days if the reason for the absence of the credentialed practitioner is not otherwise provided for under subdivision (1) of this subsection.

Any practitioner authorized to receive payments for covered services under this section shall provide notice to the health carrier, including, but not limited to, the absent practitioner's name, medical license information, and estimated duration of absence and the name and medical license information of the practitioner providing coverage for such absent credentialed practitioner. A health carrier may deny payments if the practitioner providing services in lieu of the credentialed provider meets one of the conditions in subdivisions (1) to (4) of subsection 3 of this section.

6. All claims eligible for payment under subsection 4 or 5 of this section shall be subject to section 376.383.

7. For the purposes of this section, "covered health services" shall mean any services provided by a practitioner that would otherwise be covered if provided by a credentialed provider.

[3-] 8. The department of commerce and insurance shall establish a mechanism for reporting alleged violations of this section to the department.

579.060. UNLAWFUL SALE, DISTRIBUTION, OR PURCHASE OF OVER-THE-COUNTER METHAMPHETAMINE PRECURSOR DRUGS — VIOLATION, PENALTY. — 1. A person commits the offense of unlawful sale, distribution, or purchase of over-the-counter methamphetamine precursor drugs if he or she knowingly:

(1) Sells, distributes, dispenses, or otherwise provides any number of packages of any drug product containing detectable amounts of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts, optical isomers, or salts of optical isomers, in a total amount greater than ~~[nine]~~ **seven and two-tenths** grams to the same individual within a thirty-day period, unless the amount is dispensed, sold, or distributed pursuant to a valid prescription; or

(2) Purchases, receives, or otherwise acquires within a thirty-day period any number of packages of any drug product containing any detectable amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers in a total amount greater than ~~[nine]~~ **seven and two-tenths** grams, without regard to the number of transactions, unless the amount is purchased, received, or acquired pursuant to a valid prescription; or

(3) Purchases, receives, or otherwise acquires within a twenty-four-hour period any number of packages of any drug product containing any detectable amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers in a total amount greater than three and six-tenths grams, without regard to the number of transactions, unless the amount is purchased, received, or acquired pursuant to a valid prescription; or

(4) Sells, distributes, dispenses, or otherwise provides any number of packages of any drug product containing detectable amounts of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts, optical isomers, or salts of optical isomers, in a total amount greater than **forty-three and two-tenths** grams to the same individual within a twelve-month period, unless the amount is dispensed, sold, or distributed pursuant to a valid prescription; or

(5) Purchases, receives, or otherwise acquires within a twelve-month period any number of packages of any drug product containing any detectable amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers in a total amount greater than **forty-three and two-tenths** grams, without regard to the number of transactions, unless the amount is purchased, received, or acquired pursuant to a valid prescription; or

(6) Dispenses or offers drug products that are not excluded from Schedule V in subsection 17 or 18 of section 195.017 and that contain detectable amounts of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts, optical isomers, or salts of optical isomers, without ensuring that such products are located behind a pharmacy counter where the public is not permitted and that such products are dispensed by a registered pharmacist or pharmacy technician under subsection 11 of section 195.017; or

~~[(5)]~~ (7) Holds a retail sales license issued under chapter 144 and knowingly sells or dispenses packages that do not conform to the packaging requirements of section 195.418.

2. A pharmacist, intern pharmacist, or registered pharmacy technician commits the offense of unlawful sale, distribution, or purchase of over-the-counter methamphetamine precursor drugs if he or she knowingly:

(1) Sells, distributes, dispenses, or otherwise provides any number of packages of any drug product containing detectable amounts of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, in a total amount greater than three and six-tenth grams to the same individual within a twenty-four hour period, unless the amount is dispensed, sold, or distributed pursuant to a valid prescription; or

(2) Fails to submit information under subsection 13 of section 195.017 and subsection ~~[(5)]~~ 6 of section 195.417 about the sales of any compound, mixture, or preparation of products containing detectable amounts of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts, optical isomers, or salts of optical isomers, in accordance with transmission methods and frequency established by the department of health and senior services; or

(3) Fails to implement and maintain an electronic log, as required by subsection 12 of section 195.017, of each transaction involving any detectable quantity of pseudoephedrine, its salts, isomers, or salts of optical isomers or ephedrine, its salts, optical isomers, or salts of optical isomers; or

(4) Sells, distributes, dispenses or otherwise provides to an individual under eighteen years of age without a valid prescription any number of packages of any drug product containing any detectable quantity of pseudoephedrine, its salts, isomers, or salts of optical isomers, or ephedrine, its salts or optical isomers, or salts of optical isomers.

3. Any person who violates the packaging requirements of section 195.418 and is considered the general owner or operator of the outlet where ephedrine, pseudoephedrine, or phenylpropanolamine products are available for sale shall not be penalized if he or she documents that an employee training program was in place to provide the employee who made the unlawful retail sale with information on the state and federal regulations regarding ephedrine, pseudoephedrine, or phenylpropanolamine.

4. The offense of unlawful sale, distribution, or purchase of over-the-counter methamphetamine precursor drugs is a class A misdemeanor.

610.100. ARREST AND INCIDENT RECORDS — DEFINITIONS — AVAILABLE TO PUBLIC — CLOSED RECORDS, WHEN — ACTION FOR DISCLOSURE OF INVESTIGATIVE REPORT AUTHORIZED, COSTS — APPLICATION TO OPEN INCIDENT AND ARREST REPORTS, VIOLATIONS, CIVIL PENALTY — IDENTITY OF VICTIM OF SEXUAL OFFENSE — CONFIDENTIALITY OF RECORDING. — 1. As used in sections 610.100 to 610.150, the following words and phrases shall mean:

(1) "Arrest", an actual restraint of the person of the defendant, or by his or her submission to the custody of the officer, under authority of a warrant or otherwise for a criminal violation which results in the issuance of a summons or the person being booked;

(2) "Arrest report", a record of a law enforcement agency of an arrest and of any detention or confinement incident thereto together with the charge therefor;

(3) "Inactive", an investigation in which no further action will be taken by a law enforcement agency or officer for any of the following reasons:

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- (a) A decision by the law enforcement agency not to pursue the case;
- (b) Expiration of the time to file criminal charges pursuant to the applicable statute of limitations, or ten years after the commission of the offense; whichever date earliest occurs;
- (c) Finality of the convictions of all persons convicted on the basis of the information contained in the investigative report, by exhaustion of or expiration of all rights of appeal of such persons;
- (4) "Incident report", a record of a law enforcement agency consisting of the date, time, specific location, name of the victim and immediate facts and circumstances surrounding the initial report of a crime or incident, including any logs of reported crimes, accidents and complaints maintained by that agency;
- (5) "Investigative report", a record, other than an arrest or incident report, prepared by personnel of a law enforcement agency, inquiring into a crime or suspected crime, either in response to an incident report or in response to evidence developed by law enforcement officers in the course of their duties;
- (6) "Mobile video recorder", any system or device that captures visual signals that is capable of installation and being installed in a vehicle or being worn or carried by personnel of a law enforcement agency and that includes, at minimum, a camera and recording capabilities;
- (7) "Mobile video recording", any data captured by a mobile video recorder, including audio, video, and any metadata;
- (8) "Nonpublic location", a place where one would have a reasonable expectation of privacy, including, but not limited to a dwelling, school, or medical facility.

2. (1) Each law enforcement agency of this state, of any county, and of any municipality shall maintain records of all incidents reported to the agency, investigations and arrests made by such law enforcement agency. All incident reports and arrest reports shall be open records.

(2) Notwithstanding any other provision of law other than the provisions of subsections 4, 5 and 6 of this section or section 320.083, mobile video recordings and investigative reports of all law enforcement agencies **and any reports or records in the possession of the department of health and senior services' Missouri state public health laboratory, which were the result of testing performed at the request of any municipal, county, state, or federal law enforcement agency,** are closed records until the investigation becomes inactive.

(3) If any person is arrested and not charged with an offense against the law within thirty days of the person's arrest, the arrest report shall thereafter be a closed record except that the disposition portion of the record may be accessed and except as provided in section 610.120.

(4) Except as provided in subsections 3 and 5 of this section, a mobile video recording that is recorded in a nonpublic location is authorized to be closed, except that any person who is depicted in the recording or whose voice is in the recording, a legal guardian or parent of such person if he or she is a minor, a family member of such person within the first degree of consanguinity if he or she is deceased or incompetent, an attorney for such person, or insurer of such person, upon written request, may obtain a complete, unaltered, and unedited copy of a recording under and pursuant to this section.

3. Except as provided in subsections 4, 5, 6 and 7 of this section, if any portion of a record or document of a law enforcement officer or agency, other than an arrest report, which would otherwise be open, contains information that is reasonably likely to pose a clear and present danger to the safety of any victim, witness, undercover officer, or other person; or jeopardize a criminal investigation, including records which would disclose the identity of a source wishing to remain confidential or a suspect not in custody; or which would disclose techniques, procedures or guidelines for law enforcement investigations or prosecutions, that portion of the record shall be closed and shall be redacted from any record made available pursuant to this chapter.

4. Any person, including a legal guardian or a parent of such person if he or she is a minor, family member of such person within the first degree of consanguinity if such person is deceased or incompetent, attorney for a person, or insurer of a person involved in any incident or whose property is involved in an incident, may obtain any records closed pursuant to this section or section 610.150 for

purposes of investigation of any civil claim or defense, as provided by this subsection. Any individual, legal guardian or parent of such person if he or she is a minor, his or her family member within the first degree of consanguinity if such individual is deceased or incompetent, his or her attorney or insurer, involved in an incident or whose property is involved in an incident, upon written request, may obtain a complete unaltered and unedited incident report concerning the incident, and may obtain access to other records closed by a law enforcement agency pursuant to this section. Within thirty days of such request, the agency shall provide the requested material or file a motion pursuant to this subsection with the circuit court having jurisdiction over the law enforcement agency stating that the safety of the victim, witness or other individual cannot be reasonably ensured, or that a criminal investigation is likely to be jeopardized. If, based on such motion, the court finds for the law enforcement agency, the court shall either order the record closed or order such portion of the record that should be closed to be redacted from any record made available pursuant to this subsection.

5. (1) Any person may bring an action pursuant to this section in the circuit court having jurisdiction to authorize disclosure of a mobile video recording or the information contained in an investigative report of any law enforcement agency, which would otherwise be closed pursuant to this section. The court may order that all or part of a mobile video recording or the information contained in an investigative report be released to the person bringing the action.

(2) In making the determination as to whether information contained in an investigative report shall be disclosed, the court shall consider whether the benefit to the person bringing the action or to the public outweighs any harm to the public, to the law enforcement agency or any of its officers, or to any person identified in the investigative report in regard to the need for law enforcement agencies to effectively investigate and prosecute criminal activity.

(3) In making the determination as to whether a mobile video recording shall be disclosed, the court shall consider:

(a) Whether the benefit to the person bringing the action or the benefit to the public outweighs any harm to the public, to the law enforcement agency or any of its officers, or to any person identified in the mobile video recording in regard and with respect to the need for law enforcement agencies to effectively investigate and prosecute criminal activity;

(b) Whether the mobile video recording contains information that is reasonably likely to disclose private matters in which the public has no legitimate concern;

(c) Whether the mobile video recording is reasonably likely to bring shame or humiliation to a person of ordinary sensibilities; and

(d) Whether the mobile video recording was taken in a place where a person recorded or depicted has a reasonable expectation of privacy.

(4) The mobile video recording or investigative report in question may be examined by the court in camera.

(5) If the disclosure is authorized in whole or in part, the court may make any order that justice requires, including one or more of the following:

(a) That the mobile video recording or investigative report may be disclosed only on specified terms and conditions, including a designation of the time or place;

(b) That the mobile video recording or investigative report may be had only by a method of disclosure other than that selected by the party seeking such disclosure and may be disclosed to the person making the request in a different manner or form as requested;

(c) That the scope of the request be limited to certain matters;

(d) That the disclosure occur with no one present except persons designated by the court;

(e) That the mobile video recording or investigative report be redacted to exclude, for example, personally identifiable features or other sensitive information;

(f) That a trade secret or other confidential research, development, or commercial information not be disclosed or be disclosed only in a designated way.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

(6) The court may find that the party seeking disclosure of the mobile video recording or the investigative report shall bear the reasonable and necessary costs and attorneys' fees of both parties, unless the court finds that the decision of the law enforcement agency not to open the mobile video recording or investigative report was substantially unjustified under all relevant circumstances, and in that event, the court may assess such reasonable and necessary costs and attorneys' fees to the law enforcement agency.

6. Any person may apply pursuant to this subsection to the circuit court having jurisdiction for an order requiring a law enforcement agency to open incident reports and arrest reports being unlawfully closed pursuant to this section. If the court finds by a preponderance of the evidence that the law enforcement officer or agency has knowingly violated this section, the officer or agency shall be subject to a civil penalty in an amount up to one thousand dollars. If the court finds that there is a knowing violation of this section, the court may order payment by such officer or agency of all costs and attorneys' fees, as provided by section 610.027. If the court finds by a preponderance of the evidence that the law enforcement officer or agency has purposely violated this section, the officer or agency shall be subject to a civil penalty in an amount up to five thousand dollars and the court shall order payment by such officer or agency of all costs and attorney fees, as provided in section 610.027. The court shall determine the amount of the penalty by taking into account the size of the jurisdiction, the seriousness of the offense, and whether the law enforcement officer or agency has violated this section previously.

7. The victim of an offense as provided in chapter 566 may request that his or her identity be kept confidential until a charge relating to such incident is filed.

8. Any person who requests and receives a mobile video recording that was recorded in a nonpublic location under and pursuant to this section is prohibited from displaying or disclosing the mobile video recording, including any description or account of any or all of the mobile video recording, without first providing direct third-party notice to each person not affiliated with a law enforcement agency or each non-law enforcement agency individual whose image or sound is contained in the recording, and affording, upon receiving such notice, each person appearing and whose image or sound is contained in the mobile video recording no less than ten days to file and serve an action seeking an order from a court of competent jurisdiction to enjoin all or some of the intended display, disclosure, description, or account of the recording. Any person who fails to comply with the provisions of this subsection is subject to damages in a civil action proceeding.

SECTION 1. COVID-19 TESTS, NO COST, WHEN — DEPARTMENT DUTIES — USE OF FEDERAL FUNDS — NO REDUCTION IN HEALTH INSURANCE COVERAGE, WHEN. — 1. Subject to appropriation, any Missouri resident whose health care provider recommends that he or she receive an active COVID-19 test shall receive such test and the results of the test at no cost. The department of health and senior services shall be authorized to utilize available federal funds to pay for the portion of the expense of such test and resulting analysis that is not covered by the resident's health insurance provider, provided that such expenses do not exceed one hundred fifty dollars per test.

2. A health insurance provider shall not reduce a Missouri resident's health insurance coverage that is related to the testing for severe acute respiratory syndrome coronavirus 2 during a state of emergency declared by the governor. The provisions of this subsection shall not apply to any reduction in health insurance coverage that is a result of nonpayment of premiums.

SECTION 2. COMPREHENSIVE SUBSTANCE TREATMENT AND REHABILITATION PROGRAM — DEPARTMENT OF SOCIAL SERVICES MAY SEEK IMD EXCLUSION WAIVER. — The department of social services may seek a waiver of the Institutions for Mental Disease (IMD) exclusion for the comprehensive substance treatment and rehabilitation program as administered by the department of mental health.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 3. MINORITY ORGAN DONOR AWARENESS MONTH DESIGNATED FOR THE MONTH OF AUGUST. — The month of August shall be known as "Minority Organ Donor Awareness Month". The citizens of this state are encouraged to observe the month with appropriate events and activities to raise awareness of organ donation by all ethnic groups and the need for organ donors.

SECTION 4. INFANT AND MATERNAL MORTALITY AWARENESS MONTH DESIGNATED FOR THE MONTH OF SEPTEMBER. — The month of September every year shall be designated as "Infant and Maternal Mortality Awareness Month". Citizens of this state and health care professionals are encouraged to promote and engage in appropriate activities that educate the public about the importance of appropriate health care for women and their new babies, from pregnancy through the vulnerable first post-partum year.

SECTION B. EMERGENCY CLAUSE.— Because immediate action is necessary to ensure that all owners, officers, managers, contractors, employees, and other support staff of medical marijuana facilities be subjected to state and federal fingerprint-based criminal background checks to insure the integrity of the Missouri medical marijuana industry, the enactment of section 195.815 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 195.815 of this act shall be in full force and effect on July 1, 2020, or upon its passage and approval, whichever occurs later.

SECTION C. EMERGENCY CLAUSE. — Because of the emergence of the novel coronavirus COVID-19 and its devastating impact on Missouri residents, the enactment of section 1 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 1 of this act shall be in full force and effect upon its passage and approval.

Approved July 13, 2020

HCS HB 1711

Enacts provisions relating to donated food.

AN ACT to repeal section 537.115, RSMo, and to enact in lieu thereof one new section relating to donated food.

SECTION

A	Enacting clause.
537.115	Food donation or distribution, limited liability, when.

Be it enacted by the General Assembly of the state of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Section 537.115, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 537.115, to read as follows:

537.115. FOOD DONATION OR DISTRIBUTION, LIMITED LIABILITY, WHEN. — 1. As used in this section, the following terms mean:

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

(1) "Canned food", any food commercially processed and prepared for human consumption;

(2) "Perishable food", any food which may spoil or otherwise become unfit for human consumption because of its nature, type or physical condition. This term includes, but is not limited to, fresh and processed meats, poultry, seafood, dairy products, bakery products, eggs in the shell, fresh fruits and vegetables, and foods which have been packaged, refrigerated, or frozen;

(3) **"Shelf stable", any food that can be safely stored in a sealed package at room or ambient temperature for a usefully long shelf life. The term includes foods that would normally be stored refrigerated, but that have been processed or treated by heat or dried to destroy food-borne microorganisms that can cause illness or spoil food.**

2. All other provisions of law notwithstanding, a good faith donor of canned ~~[or]~~ , perishable, **or shelf stable** food, which complies with chapter 196 at the time it was donated and which is fit for human consumption at the time it is donated, to a bona fide charitable or not-for-profit organization for free distribution, shall not be subject to criminal or civil liability arising from an injury or death due to the condition of such food unless such injury or death is a direct result of the negligence, recklessness, or intentional misconduct of such donor.

3. All other provisions of law notwithstanding, a bona fide charitable or not-for-profit organization which in good faith receives and distributes food, which complies with chapter 196 at the time it was donated and which is fit for human consumption at the time it is distributed, without charge, shall not be subject to criminal or civil liability arising from an injury or death due to the condition of such food unless such injury or death is a direct result of the negligence, recklessness, or intentional misconduct of such organization.

4. (1) Notwithstanding any other provision of law to the contrary, a good faith donor or a charitable or not-for-profit organization, who in good faith receives or distributes frozen ~~[and]~~ **or shelf stable** packaged venison without charge, shall not be subject to criminal or civil liability arising from an injury or death due to the condition of such food, except as provided in this subsection.

(2) The venison must:

~~[(1)]~~ (a) Come from a whitetail deer harvested in accordance with the rules and regulations of the department of conservation;

~~[(2)]~~ (b) Be field dressed and handled in a sanitary manner and the carcass of which remains in sound condition;

~~[(3)]~~ (c) Be processed in a licensed facility that is subject to the United States Department of Agriculture's mandated inspections during domesticated animal operations or is approved by the Missouri department of agriculture meat inspection program.

~~[Except that,]~~ (3) The provisions of this subsection shall not apply if the injury or death is a direct result of the negligence, recklessness, or intentional misconduct of such donor or the deer was harvested during a season that the deer in Missouri were found to have diseases communicable to humans. Venison handled and processed in accordance with the provisions of this section and protected by all reasonable means from foreign or injurious contamination is exempt from the provisions of chapter 196.

5. The provisions of this section shall govern all good faith donations of canned ~~[or]~~ , perishable, **or shelf stable** food which is not readily marketable due to appearance, freshness, grade, surplus, or other conditions, but nothing in this section shall restrict the authority of any appropriate agency to regulate or ban the use of such food for human consumption.

Approved July 14, 2020

CCS #2 SS SCS HB 1768

Enacts provisions relating to communications services.

AN ACT to repeal sections 67.453, 67.1461, 67.1846, 67.5122, 392.020, 620.2451, 620.2456, and 620.2459, RSMo, and to enact in lieu thereof eight new sections relating to communications services.

SECTION

A	Enacting clause.
67.453	Citation of law — definitions.
67.1461	Powers of district — reimbursement of municipality — limitations.
67.1846	Exceptions to applicability of right-of-way laws.
67.5122	Expiration date, exception.
392.020	Articles, where filed — powers when incorporated.
620.2451	Grants, use of moneys — recordkeeping requirements.
620.2456	Connect America Fund, no grants awarded — limitations on grant amount — limitations on grant requirements.
620.2459	Sunset provision.

Be it enacted by the General Assembly of the state of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 67.453, 67.1461, 67.1846, 67.5122, 392.020, 620.2451, 620.2456, and 620.2459, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as sections 67.453, 67.1461, 67.1846, 67.5122, 392.020, 620.2451, 620.2456, and 620.2459, to read as follows:

67.453. CITATION OF LAW — DEFINITIONS. — Sections 67.453 to 67.475 are known and may be cited as the "Neighborhood Improvement District Act", and the following words and terms, as used in sections 67.453 to 67.475 mean:

(1) "Acquire", the acquisition of property or interests in property by purchase, gift, condemnation or other lawful means and may include the acquisition of existing property and improvements already owned by the city or county;

(2) "Consultant", engineers, architects, planners, attorneys, financial advisors, accountants, investment bankers and other persons deemed competent to advise and assist the governing body of the city or county in planning and making improvements;

(3) "Cost", all costs incurred in connection with an improvement, including, but not limited to, costs incurred for the preparation of preliminary reports, the preparation of plans and specifications, the preparation and publication of notices of hearings, resolutions, ordinances and other proceedings, fees and expenses of consultants, interest accrued on borrowed money during the period of construction, underwriting costs and other costs incurred in connection with the issuance of bonds or notes, establishment of reasonably required reserve funds for bonds or notes, the cost of land, materials, labor and other lawful expenses incurred in planning, acquiring and doing any improvement, reasonable construction contingencies, and work done or services performed by the city or county in the administration and supervision of the improvement;

(4) "Improve", to construct, reconstruct, maintain, restore, replace, renew, repair, install, equip, extend, or to otherwise perform any work which will provide a new public facility or enhance, extend or restore the value or utility of an existing public facility;

(5) "Improvement", any one or more public facilities or improvements which confer a benefit on property within a definable area and may include or consist of a reimprovement of a prior improvement. Improvements include, but are not limited to, the following activities:

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

(a) To acquire property or interests in property when necessary or desirable for any purpose authorized by sections 67.453 to 67.475;

(b) To open, widen, extend and otherwise to improve streets, paving and other surfacing, gutters, curbs, sidewalks, crosswalks, driveway entrances and structures, drainage works incidental thereto, and service connections from sewer, water, gas and other utility mains, conduits or pipes;

(c) To improve main and lateral storm water drains and sanitary sewer systems, and appurtenances thereto;

(d) To improve street lights and street lighting systems;

(e) To improve waterworks systems;

(f) **To partner with a telecommunications company or broadband service provider in order to construct or improve telecommunications facilities which shall be wholly owned and operated by the telecommunications company or broadband service provider, as the terms "telecommunications company" and "telecommunications facilities" are defined in section 386.020 and subject to the provisions of section 392.410, that are in an unserved or underserved area, as defined in section 620.2450. Before any facilities are improved or constructed as a result of this section, the area shall be certified as unserved or underserved by the director of broadband development within the department of economic development;**

(g) To improve parks, playgrounds and recreational facilities;

~~(g)~~ (h) To improve any street or other facility by landscaping, planting of trees, shrubs, and other plants;

~~(h)~~ (i) To improve dikes, levees and other flood control works, gates, lift stations, bridges and streets appurtenant thereto;

~~(i)~~ (j) To improve vehicle and pedestrian bridges, overpasses and tunnels;

~~(j)~~ (k) To improve retaining walls and area walls on public ways or land abutting thereon;

~~(k)~~ (l) To improve property for off-street parking facilities including construction and equipment of buildings thereon;

~~(l)~~ (m) To acquire or improve any other public facilities or improvements deemed necessary by the governing body of the city or county; and

~~(m)~~ (n) To improve public safety;

(6) "Neighborhood improvement district", an area of a city or county with defined limits and boundaries which is created by vote or by petition under sections 67.453 to 67.475 and which is benefitted by an improvement and subject to special assessments against the real property therein for the cost of the improvement.

67.1461. POWERS OF DISTRICT — REIMBURSEMENT OF MUNICIPALITY — LIMITATIONS.

— 1. Each district shall have all the powers, except to the extent any such power has been limited by the petition approved by the governing body of the municipality to establish the district, necessary to carry out and effectuate the purposes and provisions of sections 67.1401 to 67.1571 including, but not limited to, the following:

(1) To adopt, amend, and repeal bylaws, not inconsistent with sections 67.1401 to 67.1571, necessary or convenient to carry out the provisions of sections 67.1401 to 67.1571;

(2) To sue and be sued;

(3) To make and enter into contracts and other instruments, with public and private entities, necessary or convenient to exercise its powers and carry out its duties pursuant to sections 67.1401 to 67.1571;

(4) To accept grants, guarantees and donations of property, labor, services, or other things of value from any public or private source;

(5) To employ or contract for such managerial, engineering, legal, technical, clerical, accounting, or other assistance as it deems advisable;

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Matter in bold-face type is proposed language.

(6) To acquire by purchase, lease, gift, grant, bequest, devise, or otherwise, any real property within its boundaries, personal property, or any interest in such property;

(7) To sell, lease, exchange, transfer, assign, mortgage, pledge, hypothecate, or otherwise encumber or dispose of any real or personal property or any interest in such property;

(8) To levy and collect special assessments and taxes as provided in sections 67.1401 to 67.1571. However, no such assessments or taxes shall be levied on any property exempt from taxation pursuant to subdivision (5) of section 137.100. Those exempt pursuant to subdivision (5) of section 137.100 may voluntarily participate in the provisions of sections 67.1401 to 67.1571;

(9) If the district is a political subdivision, to levy real property taxes and business license taxes in the county seat of a county of the first classification containing a population of at least two hundred thousand, as provided in sections 67.1401 to 67.1571. However, no such assessments or taxes shall be levied on any property exempt from taxation pursuant to subdivisions (2) and (5) of section 137.100. Those exempt pursuant to subdivisions (2) and (5) of section 137.100 may voluntarily participate in the provisions of sections 67.1401 to 67.1571;

(10) If the district is a political subdivision, to levy sales taxes pursuant to sections 67.1401 to 67.1571;

(11) To fix, charge, and collect fees, rents, and other charges for use of any of the following:

(a) The district's real property, except for public rights-of-way for utilities;

(b) The district's personal property, except in a city not within a county; or

(c) Any of the district's interests in such real or personal property, except for public rights-of-way for utilities;

(12) To borrow money from any public or private source and issue obligations and provide security for the repayment of the same as provided in sections 67.1401 to 67.1571;

(13) To loan money as provided in sections 67.1401 to 67.1571;

(14) To make expenditures, create reserve funds, and use its revenues as necessary to carry out its powers or duties and the provisions and purposes of sections 67.1401 to 67.1571;

(15) To enter into one or more agreements with the municipality for the purpose of abating any public nuisance within the boundaries of the district including, but not limited to, the stabilization, repair or maintenance or demolition and removal of buildings or structures, provided that the municipality has declared the existence of a public nuisance;

(16) Within its boundaries, to provide assistance to or to construct, reconstruct, install, repair, maintain, and equip any of the following public improvements:

(a) Pedestrian or shopping malls and plazas;

(b) Parks, lawns, trees, and any other landscape;

(c) Convention centers, arenas, aquariums, aviaries, and meeting facilities;

(d) Sidewalks, streets, alleys, bridges, ramps, tunnels, overpasses and underpasses, traffic signs and signals, utilities, drainage, water, storm and sewer systems, and other site improvements;

(e) Parking lots, garages, or other facilities;

(f) Lakes, dams, and waterways;

(g) Streetscape, lighting, benches or other seating furniture, trash receptacles, marquees, awnings, canopies, walls, and barriers;

(h) Telephone and information booths, bus stop and other shelters, rest rooms, and kiosks;

(i) Paintings, murals, display cases, sculptures, and fountains;

(j) Music, news, and child-care facilities; and

(k) Any other useful, necessary, or desired improvement;

(17) To dedicate to the municipality, with the municipality's consent, streets, sidewalks, parks, and other real property and improvements located within its boundaries for public use;

(18) Within its boundaries and with the municipality's consent, to prohibit or restrict vehicular and pedestrian traffic and vendors on streets, alleys, malls, bridges, ramps, sidewalks, and tunnels and to provide the means for access by emergency vehicles to or in such areas;

(19) Within its boundaries, to operate or to contract for the provision of music, news, child-care, or parking facilities, and buses, minibuses, or other modes of transportation;

(20) Within its boundaries, to lease space for sidewalk café tables and chairs;

(21) Within its boundaries, to provide or contract for the provision of security personnel, equipment, or facilities for the protection of property and persons;

(22) Within its boundaries, to provide or contract for cleaning, maintenance, and other services to public and private property;

(23) To produce and promote any tourism, recreational or cultural activity or special event in the district by, but not limited to, advertising, decoration of any public place in the district, promotion of such activity and special events, and furnishing music in any public place;

(24) To support business activity and economic development in the district including, but not limited to, the promotion of business activity, development and retention, and the recruitment of developers and businesses;

(25) To provide or support training programs for employees of businesses within the district;

(26) To provide refuse collection and disposal services within the district;

(27) To contract for or conduct economic, planning, marketing or other studies;

(28) To repair, restore, or maintain any abandoned cemetery on public or private land within the district; and

(29) **To partner with a telecommunications company or broadband service provider in order to construct or improve telecommunications facilities which shall be wholly owned and operated by the telecommunications company or broadband service provider, as the terms "telecommunications company" and "telecommunications facilities" are defined in section 386.020 and subject to the provisions of section 392.410, that are in an unserved or underserved area, as defined in section 620.2450. Before any facilities are improved or constructed as a result of this section, the area shall be certified as unserved or underserved by the director of broadband development within the department of economic development;**

(30) To carry out any other powers set forth in sections 67.1401 to 67.1571.

2. Each district which is located in a blighted area or which includes a blighted area shall have the following additional powers:

(1) Within its blighted area, to contract with any private property owner to demolish and remove, renovate, reconstruct, or rehabilitate any building or structure owned by such private property owner; and

(2) To expend its revenues or loan its revenues pursuant to a contract entered into pursuant to this subsection, provided that the governing body of the municipality has determined that the action to be taken pursuant to such contract is reasonably anticipated to remediate the blighting conditions and will serve a public purpose.

3. Each district shall annually reimburse the municipality for the reasonable and actual expenses incurred by the municipality to establish such district and review annual budgets and reports of such district required to be submitted to the municipality; provided that, such annual reimbursement shall not exceed one and one-half percent of the revenues collected by the district in such year.

4. Nothing in sections 67.1401 to 67.1571 shall be construed to delegate to any district any sovereign right of municipalities to promote order, safety, health, morals, and general welfare of the public, except those such police powers, if any, expressly delegated pursuant to sections 67.1401 to 67.1571.

5. The governing body of the municipality establishing the district shall not decrease the level of publicly funded services in the district existing prior to the creation of the district or transfer the financial

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Matter in bold-face type is proposed language.

burden of providing the services to the district unless the services at the same time are decreased throughout the municipality, nor shall the governing body discriminate in the provision of the publicly funded services between areas included in such district and areas not so included.

67.1846. EXCEPTIONS TO APPLICABILITY OF RIGHT-OF-WAY LAWS. — 1. Nothing in sections 67.1830 to 67.1846 relieves the political subdivision of any obligations under an existing franchise agreement in effect on May 1, 2001. Nothing in sections 67.1830 to 67.1846 will apply to that portion of any ordinance passed prior to May 1, 2001, which establishes a street degradation fee. Nothing in sections 67.1830 to 67.1846 shall be construed as limiting the authority of county highway engineers or relieving public utility right-of-way users from any obligations set forth in chapters 229 to 231. Nothing in sections 67.1830 to 67.1846 shall be deemed to relieve a public utility right-of-way user of the provisions of an existing franchise, franchise fees, license or other agreement or permit in effect on May 1, 2001. Nothing in sections 67.1830 to 67.1846 shall prohibit a political subdivision or public utility right-of-way user from renewing or entering into a new or existing franchise, as long as all other public utility right-of-way users have use of the public right-of-way on a nondiscriminatory basis. Nothing in sections 67.1830 to 67.1846 shall prevent a grandfathered political subdivision from enacting new ordinances, including amendments of existing ordinances, charging a public utility right-of-way user a fair and reasonable linear foot fee or antenna fee or from enforcing or renewing existing linear foot ordinances for use of the right-of-way, provided that the public utility right-of-way user either:

(1) Is entitled under the ordinance to a credit for any amounts paid as business license taxes or gross receipts taxes; or

(2) Is not required by the political subdivision to pay the linear foot fee or antenna fee if the public utility right-of-way user is paying gross receipts taxes, business license fees, or business license taxes that are not nominal and that are imposed specifically on communications-related revenue, services, or equipment.

For purposes of this section, a "grandfathered political subdivision" is any political subdivision which has, prior to May 1, 2001, enacted one or more ordinances reflecting a policy of imposing any linear foot fees on any public utility right-of-way user, including ordinances which were specific to particular public right-of-way users. Any existing ordinance or new ordinance passed by a grandfathered political subdivision providing for payment of the greater of a linear foot fee or a gross receipts tax shall be enforceable only with respect to the linear foot fee.

2. A grandfathered political subdivision shall not charge a linear foot fee for use of its right-of-way to a small local exchange telecommunications company as of December 31, 2019, as defined in section 386.020; provided that the small local exchange telecommunications company is providing internet access to customers within the rural areas of the state.

3. Nothing in sections 67.1830 to 67.1846 shall prohibit a political subdivision from enacting, renewing or enforcing provisions of an ordinance to require a business license tax, sales tax, occupation tax, franchise tax or franchise fee, property tax or other similar tax, to the extent consistent with federal law. Nothing in sections 67.1830 to 67.1846 shall prohibit a political subdivision from enacting, enforcing or renewing provisions of an ordinance to require a gross receipts tax pursuant to chapter 66, chapter 92, or chapter 94. For purposes of this subsection, the term "franchise fee" shall mean "franchise tax".

67.5122. EXPIRATION DATE, EXCEPTION. — Sections 67.5110 to 67.5122 shall expire on January 1, [2024] **2025**, except that for small wireless facilities already permitted or collocated on authority poles prior to such date, the rate set forth in section 67.5116 for collocation of small wireless facilities on authority poles shall remain effective for the duration of the permit authorizing the collocation.

392.020. ARTICLES, WHERE FILED — POWERS WHEN INCORPORATED. — 1. The original articles of association shall be recorded in the office of the recorder of deeds of the county in which the corporation is to be located, and then be filed in the office of the secretary of state, who shall carefully preserve the same in his office, and thereupon the subscribers and the persons who, from time to time, shall become stockholders in such company, and their successors, shall be a body politic and corporate, by the name stated in such articles of association, and shall have power to construct, own, operate and maintain lines of telephone and magnetic telegraph between such points as they may from time to time determine, and to make such reasonable charges for the use of the same as they may establish; and shall have power to lease or attach to their lines other telephone or telegraph lines by lease or purchase; and meetings of the stockholders or of the directors of such corporation may be held for the transaction of business as well without as within this state.

2. A copy of the articles of association, certified by the secretary of state or his deputy, under the seal of the state, shall be prima facie evidence of the incorporation of such company, and of the facts stated therein. Any such company, through its board of directors, with the consent of the persons holding the larger amount in value of the stock, shall have power to reduce its capital stock to any amount not below the actual cost of construction, and in like manner and with like consent to increase the capital stock from time to time as in their judgment may be necessary, not exceeding an amount which, when fully paid up, shall be required for the business of the company, which consent shall be obtained in the manner prescribed by law.

3. Any corporation formed for the purpose of section 392.010, or operating under the provisions of subsection 1 of section 351.030, may amend the articles of association to include a statement referencing the corporation's operating designation as described in 26 U.S.C. Section 501(c)(12), as amended.

620.2451. GRANTS, USE OF MONEYS — RECORDKEEPING REQUIREMENTS. — Grants awarded under sections 620.2450 to 620.2458 shall fund the acquisition and installation of retail broadband internet service at speeds of at least twenty-five megabits per-second download and three megabits per-second upload, but that is scalable to higher speeds. **The department shall maintain a record of all federal grants awarded to entities for the purposes of providing, maintaining, and expanding rural broadband in the state of Missouri. In cases in which funds have been awarded by a federal agency but later retained, withheld, or otherwise not distributed to the original grant recipient due to failure to meet performance standards or other criteria, the department shall seek to have the funds awarded to another eligible, qualified Missouri broadband provider.**

620.2456. CONNECT AMERICA FUND, NO GRANTS AWARDED — LIMITATIONS ON GRANT AMOUNT — LIMITATIONS ON GRANT REQUIREMENTS. — 1. The department of economic development shall not award any grant to an otherwise eligible grant applicant where funding from the Connect America Fund has been awarded, where high-cost support from the federal Universal Service Fund has been received by rate of return carriers, or where any other federal funding has been awarded which did not require any matching-fund component, for any portion of the proposed project area, nor shall any grant money be used to serve any retail end user that already has access to wireline or fixed wireless broadband internet service of speeds of at least twenty-five megabits per-second download and three megabits per-second upload.

2. No grant awarded under sections 620.2450 to 620.2458, when combined with any federal, state, or local funds, shall fund more than fifty percent of the total cost of a project.

3. No single project shall be awarded grants under sections 620.2450 to 620.2458 whose cumulative total exceeds five million dollars.

4. The department of economic development shall endeavor to award grants under sections 620.2450 to 620.2458 to qualified applicants in all regions of the state.

5. An award granted under sections 620.2450 to 620.2458 shall not:
- (1) Require an open access network;
 - (2) Impose rates, terms, and conditions that differ from what a provider offers in other areas of its service area;
 - (3) Impose any rate, service, or any other type of regulation beyond speed requirements set forth in section 620.2451; or
 - (4) Impose an unreasonable time constraint on the time to build the service.
6. **If a grant recipient fails to establish the speed requirements set forth in section 620.2451, then the grant recipient shall return all grant moneys to the department.**

620.2459. SUNSET PROVISION. — Pursuant to section 23.253 of the Missouri sunset act:

- (1) The provisions of the ~~new~~ program authorized under sections 620.2450, 620.2451, 620.2452, 620.2453, 620.2454, 620.2455, 620.2456, 620.2457, and 620.2458 shall sunset ~~automatically three years after August 28, 2018~~ **on June 30, 2027**, unless reauthorized by an act of the general assembly; and
- (2) If such program is reauthorized, the program authorized under sections 620.2450, 620.2451, 620.2452, 620.2453, 620.2454, 620.2455, 620.2456, 620.2457, and 620.2458 shall sunset automatically six years after the effective date of the reauthorization of sections 620.2450, 620.2451, 620.2452, 620.2453, 620.2454, 620.2455, 620.2456, 620.2457, and 620.2458; and
- (3) Sections 620.2450, 620.2451, 620.2452, 620.2453, 620.2454, 620.2455, 620.2456, 620.2457, and 620.2458 shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under sections 620.2450, 620.2451, 620.2452, 620.2453, 620.2454, 620.2455, 620.2456, 620.2457, and 620.2458 is sunset.

Approved July 2, 2020

SS SCS HCS #2 HB 1896

Enacts provisions relating to controlled substances, with penalty provisions and an emergency clause for a certain section.

AN ACT to repeal sections 191.1146, 195.015, 195.017, 195.417, 579.060, 579.065, and 579.068, RSMo, and to enact in lieu thereof nine new sections relating to controlled substances, with penalty provisions and an emergency clause for a certain section.

SECTION

A	Enacting clause.
191.1146	Physician-patient relationship required, how established.
195.015	Authority to control.
195.017	Substances, how placed in schedules — list of scheduled substances — publication of schedules annually — electronic log of transactions to be maintained, when — certain products to be located behind pharmacy counter — exemption from requirements, when — rulemaking authority.
195.417	Limit on sale or dispensing of certain drugs, exceptions — prescription for certain substances not required, when, expiration when — local ordinances, state law to supercede and preempt — violations, penalty.
195.805	Edible marijuana — infused products, restrictions on design and shape — THC stamp required, when — violations, penalty — rulemaking authority.
195.815	Fingerprinting requirements, medical marijuana facilities — definitions.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

579.060	Unlawful sale, distribution, or purchase of over-the-counter methamphetamine precursor drugs — violation, penalty.
579.065	Trafficking drugs, first degree — penalty.
579.068	Trafficking drugs, second degree — penalty.
B	Emergency clause.

Be it enacted by the General Assembly of the state of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 191.1146, 195.015, 195.017, 195.417, 579.060, 579.065, and 579.068, RSMo, are repealed and nine new sections enacted in lieu thereof, to be known as sections 191.1146, 195.015, 195.017, 195.417, 195.805, 195.815, 579.060, 579.065, and 579.068, to read as follows:

191.1146. PHYSICIAN-PATIENT RELATIONSHIP REQUIRED, HOW ESTABLISHED. — 1. Physicians licensed under chapter 334 who use telemedicine shall ensure that a properly established physician-patient relationship exists with the person who receives the telemedicine services. The physician-patient relationship may be established by:

- (1) An in-person encounter through a medical interview and physical examination;
- (2) Consultation with another physician, or that physician's delegate, who has an established relationship with the patient and an agreement with the physician to participate in the patient's care; or
- (3) A telemedicine encounter, if the standard of care does not require an in-person encounter, and in accordance with evidence-based standards of practice and telemedicine practice guidelines that address the clinical and technological aspects of telemedicine.

2. In order to establish a physician-patient relationship through telemedicine:

- (1) The technology utilized shall be sufficient to establish an informed diagnosis as though the medical interview and physical examination has been performed in person; and
- (2) Prior to providing treatment, including issuing prescriptions or **physician certifications under article XIV of the Missouri constitution**, a physician who uses telemedicine shall interview the patient, collect or review relevant medical history, and perform an examination sufficient for the diagnosis and treatment of the patient. A questionnaire completed by the patient, whether via the internet or telephone, does not constitute an acceptable medical interview and examination for the provision of treatment by telehealth.

195.015. AUTHORITY TO CONTROL. — 1. The department of health and senior services shall administer this chapter and may add substances to the schedules after public notice and hearing. In making a determination regarding a substance, the department of health and senior services shall consider the following:

- (1) The actual or relative potential for abuse;
- (2) The scientific evidence of its pharmacological effect, if known;
- (3) The state of current scientific knowledge regarding the substance;
- (4) The history and current pattern of abuse;
- (5) The scope, duration, and significance of abuse;
- (6) The risk to the public health;
- (7) The potential of the substance to produce psychic or physiological dependence liability; and
- (8) Whether the substance is an immediate precursor of a substance already controlled under this chapter.

2. After considering the factors enumerated in subsection 1 of this section the department of health and senior services shall make findings with respect thereto and issue a rule controlling the substance if it finds the substance has a potential for abuse.

3. If the department of health and senior services designates a substance as an immediate precursor, substances which are precursors of the controlled precursor shall not be subject to control solely because they are precursors of the controlled precursor.

4. If any substance is designated, rescheduled, or deleted as a controlled substance under federal law and notice thereof is given to the department of health and senior services, the department of health and senior services shall similarly control the substance under this chapter ~~[after the expiration of]~~ **and shall submit emergency rules to the secretary of state under section 536.025 within thirty days [from] of publication in the federal register of a final order designating a substance as a controlled substance or rescheduling or deleting a substance, unless within that thirty-day period, the department of health and senior services objects to inclusion, rescheduling, or deletion. In that case, the department of health and senior services shall publish the reasons for objection and afford all interested parties an opportunity to be heard. At the conclusion of the hearing, the department of health and senior services shall publish its decision, which shall be final unless altered by statute. Upon publication of objection to inclusion, rescheduling or deletion under this chapter by the department of health and senior services, control under this chapter is stayed as to the substance in question until the department of health and senior services publishes its decision. If the department promulgates emergency rules under this subsection, such rules may, notwithstanding the provisions of subsection 7 of section 536.025, remain in effect until the general assembly concludes its next regular session following the imposition of any such rules. The department shall clearly state if the rules shall be in effect pursuant to this subsection or subsection 7 of section 536.025 in the emergency statement filed with the secretary of state.**

5. The department of health and senior services shall exclude any nonnarcotic substance from a schedule if such substance may, under the federal Food, Drug, and Cosmetic Act and the law of this state, be lawfully sold over the counter without a prescription.

6. The department of health and senior services shall prepare a list of all drugs falling within the purview of controlled substances. Upon preparation, a copy of the list shall be filed in the office of the secretary of state.

195.017. SUBSTANCES, HOW PLACED IN SCHEDULES — LIST OF SCHEDULED SUBSTANCES — PUBLICATION OF SCHEDULES ANNUALLY — ELECTRONIC LOG OF TRANSACTIONS TO BE MAINTAINED, WHEN — CERTAIN PRODUCTS TO BE LOCATED BEHIND PHARMACY COUNTER — EXEMPTION FROM REQUIREMENTS, WHEN — RULEMAKING AUTHORITY. — 1. The department of health and senior services shall place a substance in Schedule I if it finds that the substance:

(1) Has high potential for abuse; and
(2) Has no accepted medical use in treatment in the United States or lacks accepted safety for use in treatment under medical supervision.

2. Schedule I:

(1) The controlled substances listed in this subsection are included in Schedule I;
(2) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:

- (a) Acetyl-alpha-methylfentanyl (N-(1-(1-methyl-2-phenethyl)-4-piperidinyl)-N-phenylacetamide);
- (b) Acetylmethadol;
- (c) Acetyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide);
- (d) Acryl fentanyl (-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide);
- (e) AH-7921(3,4-dichloro-N-[(1-dimethylamino) cyclohexylmethyl] benzamide);
- (f) Allylprodine;

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

- ~~[(d)]~~ (g) Alphacetylmethadol (**except levoalphacetylmethadol, also known as levo-alpha-acetylmethadol levorotatory acetate or LAAM**);
- ~~[(e)]~~ (h) Alphameprodine;
- ~~[(f)]~~ (i) Alphamethadol;
- ~~[(g)]~~ (j) Alpha-methylfentanyl (**N-(1-(alphamethyl-beta-phenyl) ethyl-4-piperidyl) propionanilide; 1-(1-methyl-2-phenylethyl)-4 ((N-propanilido) piperidine)**);
- ~~[(h)]~~ (k) Alpha-methylthiofentanyl (**N-(1-methyl-2-(2-thienyl) ethyl-4-piperidinyl)-N-phenylpropanamide**);
- ~~[(i)]~~ (l) Benzethidine;
- ~~[(j)]~~ (m) Betacetylmethadol;
- ~~[(k)]~~ (n) Beta-hydroxyfentanyl (**N-(1-(2-hydroxy-2-phenethyl)-4-piperidinyl)-N-phenylpropanamide**);
- ~~[(l)]~~ (o) Beta-hydroxy-3-methylfentanyl (**N-(1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl)-N-phenylpropanamide**);
- ~~[(m)]~~ (p) Betameprodine;
- ~~[(n)]~~ (q) Betamethadol;
- ~~[(o)]~~ (r) Betaprodine;
- ~~[(p)]~~ (s) Clonitazene;
- ~~[(q)]~~ (t) Dextromoramide;
- ~~[(r)]~~ (u) Diampromide;
- (v) **Cyclopropyl fentanyl**;
- ~~[(s)]~~ (w) Diethylthiambutene;
- ~~[(t)]~~ (x) Difenoxin;
- ~~[(u)]~~ (y) Dimenoxadol;
- ~~[(v)]~~ (z) Dimepheptanol;
- ~~[(w)]~~ (aa) Dimethylthiambutene;
- ~~[(x)]~~ (bb) Dioxaphetyl butyrate;
- ~~[(y)]~~ (cc) Dipipanone;
- ~~[(z)]~~ (dd) Ethylmethylthiambutene;
- ~~[(aa)]~~ (ee) Etonitazene;
- ~~[(bb)]~~ (ff) Etoxidine;
- (gg) **4-fluoroisobutyl fentanyl** **-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide**;
- (hh) **Furanyl fentanyl** **-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide**;
- ~~[(ee)]~~ (ii) Furethidine;
- ~~[(dd)]~~ (jj) Hydroxypethidine;
- ~~[(ee)]~~ (kk) Ketobemidone;
- ~~[(ff)]~~ (ll) Levomoramide;
- ~~[(gg)]~~ (mm) Levophenacetylmorphan;
- ~~[(hh)]~~ (nn) **3-Methylfentanyl** (**N-(3-methyl-1-(2-phenylethyl)-4-piperidyl)-N-phenylpropanamide**), **its optical and geometric isomers, salts, and salts of isomers**;
- ~~[(ii)]~~ (oo) **3-Methylthiofentanyl** (**N-((3-methyl-1-(2-thienyl)ethyl-4-piperidinyl)-N-phenylpropanamide**);
- (pp) **Methoxyacetyl fentanyl** (**2-methoxy-N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide**);
- ~~[(jj)]~~ (qq) Morpheridine;
- ~~[(kk)]~~ (rr) **MPPP (1-methyl-4-phenyl-4-propionoxypiperidine)**;
- (ss) **MT-45(1-cyclohexyl-4-(1,2-diphenylethyl) piperazine)**;
- ~~[(ll)]~~ (tt) Noracymethadol;

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- ~~[(mm)]~~ (uu) Norlevorphanol;
~~[(nn)]~~ (vv) Normethadone;
~~[(oo)]~~ (ww) Norpipanone;
 (xx) Ocfentanil N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl)acetamide;
 (yy) Ortho-fluorofentanyl (N-2-(1-phenethylpiperidin-yl)propionamide); other name 2-fluorofentanyl;
 (zz) para-fluorobutyryl fentanyl (N-4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide;
~~[(pp)]~~ (aaa) Para-fluorofentanyl (N-(4-fluorophenyl)-N-(1-(2-phenethyl)-4-piperidinyl)propanamide;
~~[(qq)]~~ (bbb) PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine);
~~[(rr)]~~ (ccc) Phenadoxone;
~~[(ss)]~~ (ddd) Phenampromide;
~~[(tt)]~~ (eee) Phenomorphan;
~~[(uu)]~~ (fff) Phenoperidine;
~~[(vv)]~~ (ggg) Piritramide;
~~[(ww)]~~ (hhh) Proheptazine;
~~[(xx)]~~ (iii) Properidine;
~~[(yy)]~~ (jjj) Propiram;
~~[(zz)]~~ (kkk) Racemoramide;
 (lll) Tetrahydrofuranyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide);
~~[(aaa)]~~ (mmm) Thiofentanyl (-phenyl-N-(1-(2-thienyl)ethyl-4-piperidinyl)-propanamide;
~~[(bbb)]~~ (nnn) Tilidine;
~~[(ccc)]~~ (ooo) Trimeperidine;
 (3) Any of the following opium derivatives, their salts, isomers and salts of isomers unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:
- Acetorphine;
 - Acetyldihydrocodeine;
 - Benzylmorphine;
 - Codeine methylbromide;
 - Codeine-N-Oxide;
 - Cyprenorphine;
 - Desomorphine;
 - Dihydromorphine;
 - Drotebanol;
 - Etorphine (except hydrochloride salt);
 - Heroin;
 - Hydromorphanol;
 - Methyldesorphine;
 - Methyldihydromorphine;
 - Morphine methylbromide;
 - Morphine methylsulfonate;
 - Morphine-N-Oxide;
 - Myorphine;
 - Nicocodeine;
 - Nicomorphine;
 - Normorphine;

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(v) Pholcodine;

(w) Thebacon;

(4) **Any of the following opiate similar synthetic substances scheduled by the U.S. Drug Enforcement Administration as substances that share a pharmacological profile similar to fentanyl, morphine, and other synthetic opioids, unless specifically excepted or unless listed in another schedule:**

(a) **Butyryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylbutyramide);**

(b) **U-47700 (3,4-Dichloro-N-[2-(dimethylamino) cyclohexyl]-methyl benzamide).**

(5) Any material, compound, mixture or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

(a) ~~[4-bromo-2,5-dimethoxyamphetamine;~~

~~(b) 4-bromo-2,5-dimethoxyphenethylamine;~~

~~(c) 2,5-dimethoxyamphetamine;~~

~~(d) 2,5-dimethoxy-4-ethylamphetamine]~~ **Alpha-ethyltryptamine;**

(b) 4-bromo-2,5-dimethoxyamphetamine;

(c) 4-bromo-2,5-dimethoxyphenethylamine;

(d) 2,5-dimethoxyamphetamine;

~~[(e)]~~ **(e) 2,5-dimethoxy-4-ethylamphetamine;**

~~[(e)]~~ **(f) 2,5-dimethoxy-4-(n)-propylthiophenethylamine;**

~~[(g)]~~ **(g) 2-(2,5-Dimethoxy-4-(n)-propylphenyl) ethanamine;**

(h) 2-(2,5-Dimethoxy-4-ethylphenyl) ethanamine;

(i) 2-(2,5-Dimethoxy-4-methylphenyl) ethanamine;

(j) 2-(2,5-Dimethoxy-4-nitro-phenyl) ethanamine;

(k) 2-(2,5-Dimethoxyphenyl) ethanamine;

(l) 2-(4-Chloro-2,5-dimethoxyphenyl) ethanamine;

(m) 2-(4-Ethylthio-2,5-dimethoxyphenyl) ethanamine;

(n) 2-(4-Iodo-2,5-dimethoxyphenyl) ethanamine;

(o) 2-(4-Isopropylthio)-2,5-dimethoxyphenyl) ethanamine;

(p) 4-methoxyamphetamine;

~~[(q)]~~ **(q) 5-methoxy-3,4-methylenedioxyamphetamine;**

~~[(r)]~~ **(r) 4-methyl-2,5-dimethoxyamphetamine;**

~~[(s)]~~ **(s) 3,4-methylenedioxyamphetamine;**

~~[(t)]~~ **(t) 3,4-methylenedioxymethamphetamine;**

~~[(u)]~~ **(u) 3,4-methylenedioxy-N-ethylamphetamine;**

~~[(v)]~~ **(v) N-hydroxy-3,4-methylenedioxyamphetamine;**

~~[(w)]~~ **(w) 3,4,5-trimethoxyamphetamine;**

~~[(x)]~~ **(x) 5-MeO-DMT or 5-methoxy-N,N-dimethyltryptamine[, its isomers, salts, and salts of isomers];**

~~[(y)]~~ **(y) Alpha-ethyltryptamine;**

~~[(z)]~~ **(z) Alpha-methyltryptamine;**

~~[(aa)]~~ **(aa) Bufotenine;**

~~[(ab)]~~ **(ab) Diethyltryptamine;**

~~[(ac)]~~ **(ac) Dimethyltryptamine;**

~~[(ad)]~~ **(ad) 5-methoxy-N,N-diisopropyltryptamine;**

~~[(ae)]~~ **(ae) Ibogaine;**

~~[(af)]~~ **(af) Lysergic acid diethylamide;**

~~[(ag)]~~ **(ag) Marijuana or marihuana, except industrial hemp;**

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- ~~[(x)]~~ **(gg)** Mescaline;
~~[(y)]~~ **(hh)** Parahexyl;
~~[(z)]~~ **(ii)** Peyote, to include all parts of the plant presently classified botanically as *Lophophora* ~~[Williamsii]~~ **williamsii** Lemaire, whether growing or not; the seeds thereof; any extract from any part of such plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seed or extracts;
~~[(aa)]~~ **(jj)** N-ethyl-3-piperidyl benzilate;
~~[(bb)]~~ **(kk)** N-methyl-3-piperidyl benzilate;
~~[(cc)]~~ **(ll)** Psilocybin;
~~[(dd)]~~ **(mm)** Psilocyn;
~~[(ee)]~~ **(nn)** Tetrahydrocannabinols naturally contained in a plant of the genus *Cannabis* (cannabis plant), except industrial hemp, as well as synthetic equivalents of the substances contained in the cannabis plant, or in the resinous extractives of such plant, or synthetic substances, derivatives[,] and their isomers, **or both**, with similar chemical structure and pharmacological activity to those substances contained in the plant, such as the following:
 - 1 cis or trans tetrahydrocannabinol[,] and their optical isomers;
 - 6 cis or trans tetrahydrocannabinol[,] and their optical isomers;
 - 3,4 cis or trans tetrahydrocannabinol[,] and their optical isomers;
 - Any compounds of these structures, regardless of numerical designation of atomic positions covered;~~[(ff)]~~ **(oo)** Ethylamine analog of phencyclidine;
~~[(gg)]~~ **(pp)** Pyrrolidine analog of phencyclidine;
~~[(hh)]~~ **(qq)** Thiophene analog of phencyclidine;
~~[(ii)]~~ **(rr)** 1-[1-(2-thienyl)cyclohexyl]pyrrolidine;
~~[(jj)]~~ **(ss)** *Salvia divinorum*;
~~[(kk)]~~ **(tt)** Salvinorin A;
~~[(ll)]~~ **(uu)** Synthetic cannabinoids:
 - Any compound structurally derived from 3-(1-naphthoyl)indole or 1H-indol-3-yl-(1-naphthyl)methane by substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidiny)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent, whether or not substituted in the naphthyl ring to any extent. Including, but not limited to:
 - AM2201, or 1-(5-fluoropentyl)-3-(1-naphthoyl)indole;**
 - JWH-007, or 1-pentyl-2-methyl-3-(1-naphthoyl)indole;**
 - ~~[(ii)]~~ **(iii)** **JWH-015, or 1-propyl-2-methyl-3-(1-naphthoyl)indole;**
 - ~~[(iii)]~~ **(iv)** **JWH-018, or 1-pentyl-3-(1-naphthoyl)indole;**
 - ~~[(iv)]~~ **(v)** **JWH-019, or 1-hexyl-3-(1-naphthoyl)indole;**
 - ~~[(v)]~~ **(vi)** **JWH-073, or 1-butyl-3-(1-naphthoyl)indole;**
 - ~~[(vi)]~~ **(vii)** **JWH-081, or 1-pentyl-3-(4-methoxy-1-naphthoyl)indole;**
 - ~~[(vii)]~~ **(viii)** **JWH-098, or 1-pentyl-2-methyl-3-(4-methoxy-1-naphthoyl)indole;**
 - ~~[(viii)]~~ **(ix)** **JWH-122, or 1-pentyl-3-(4-methyl-1-naphthoyl)indole;**
 - ~~[(ix)]~~ **(x)** **JWH-164, or 1-pentyl-3-(7-methoxy-1-naphthoyl)indole;**
 - ~~[(x)]~~ **(xi)** **JWH-200, or 1-(2-(4-(morpholinyl)ethyl))-3-(1-naphthoyl)indole;**
 - ~~[(xi)]~~ **(xii)** **JWH-210, or 1-pentyl-3-(4-ethyl-1-naphthoyl)indole;**
 - ~~[(xii)]~~ **(xiii)** **JWH-398, or 1-pentyl-3-(4-chloro-1-naphthoyl)indole;**
 - Any compound structurally derived from 3-(1-naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidiny)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the pyrrole ring to any extent, whether or not substituted in the naphthyl ring to any extent;

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 Matter in bold-face type is proposed language.

c. Any compound structurally derived from 1-(1-naphthylmethyl)indene by substitution at the 3-position of the indene ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidiny)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indene ring to any extent, whether or not substituted in the naphthyl ring to any extent;

d. Any compound structurally derived from 3-phenylacetylindole by substitution at the nitrogen atom of the indole ring with alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidiny)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent, whether or not substituted in the phenyl ring to any extent. Including, but not limited to:

- (i) JWH-201, or 1-pentyl-3-(4-methoxyphenylacetyl)indole;
- (ii) JWH-203, or 1-pentyl-3-(2-chlorophenylacetyl)indole;
- (iii) JWH-250, or 1-pentyl-3-(2-methoxyphenylacetyl)indole;
- (iv) JWH-251, or 1-pentyl-3-(2-methylphenylacetyl)indole;
- (v) RCS-8, or 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole;

e. Any compound structurally derived from 2-(3-hydroxycyclohexyl)phenol by substitution at the 5-position of the phenolic ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidiny)methyl or 2-(4-morpholinyl)ethyl group, whether or not substituted in the cyclohexyl ring to any extent. Including, but not limited to:

(~~h~~) CP 47, 497 [~~h~~] and homologues, or 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol, where side chain n=5, and homologues where side chain n=4,6, or 7;

f. Any compound containing a 3-(benzoyl)indole structure with substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidiny)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent. Including, but not limited to:

- (i) AM-694, or 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole;
- (ii) RCS-4, or 1-pentyl-3-(4-methoxybenzoyl)indole (**SR-19 and RCS-4**);

g. CP 50,556-1, or [(6S,6aR,9R,10aR)-9-hydroxy-6-methyl-3-[(2R)-5-phenylpentan-2-yl] oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthridin-1-yl] acetate;

h. HU-210, or (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol;

i. HU-211, or Dexanabinol,(6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol;

j. [~~CP 50,556-1, or [(6S,6aR,9R,10aR)-9-hydroxy-6-methyl-3-[(2R)-5-phenylpentan-2-yl] oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthridin-1-yl] acetate;~~

~~k~~] Dimethylheptylpyran, or DMHP;

(~~5~~) (6) Any material, compound, mixture or preparation containing any quantity of the following substances having a depressant effect on the central nervous system, including their salts, isomers and salts of isomers whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

- (a) Gamma-hydroxybutyric acid;
- (b) Mecloqualone;
- (c) Methaqualone;

(~~6~~) (7) Any material, compound, mixture or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system, including their salts, isomers and salts of isomers:

- (a) Aminorex;
- (b) N-benzylpiperazine;
- (c) Cathinone;

- (d) Fenethylamine;
 - (e) 3-Fluoromethcathinone;
 - (f) 4-Fluoromethcathinone;
 - (g) Mephedrone, or 4-methylmethcathinone;
 - (h) Methcathinone;
 - (i) 4-methoxymethcathinone;
 - (j) (+,-)cis-4-methylaminorex ((+,-)cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazoline);
 - (k) Methylenedioxypropylone, MDPV, or (1-(1,3-Benzodioxol-5-yl)-2-(1-pyrrolidinyl)-1-pentanone);
 - (l) Methylone, or 3,4-Methylenedioxypropylone;
 - (m) 4-Methyl-alpha-pyrrolidinobutylphenone, or MPBP;
 - (n) N-ethylamphetamine;
 - (o) N,N-dimethylamphetamine;
 - (p) **Quinolin-8-yl 1-pentyl-1H-indole-3-carboxylate (PB-22; QUPIC);**
 - (q) **Quinolin-8-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate (5-fluoro-PB-22; 5F-PB-22);**
 - (r) **N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide (AB-FUBINACA);**
 - (s) **N-(1-amino-3, 3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide (ADB-PINACA);**
- ~~[(7)]~~ (8) A temporary listing of substances subject to emergency scheduling under federal law shall include any material, compound, mixture or preparation which contains any quantity of the following substances:
- (a) ~~[N-(1-benzyl-4-piperidyl)-N-phenylpropanamide (benzylfentanyl), its optical isomers, salts and salts of isomers;~~
 - (b) ~~N-(1-(2-thienyl)methyl-4-piperidyl)-N-phenylpropanamide (thenylfentanyl), its optical isomers, salts and salts of isomers]~~ **(1-pentyl-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone, its optical, positional, and geometric isomers, salts, and salts of isomers;**
 - (b) **[1-(5-fluoro-pentyl)-1H-indol-3-yl](2,2,3,3-tetramethylcyclopropyl)methanone, its optical, positional, and geometric isomers, salts, and salts of isomers;**
 - (c) **N-(1-adamantyl)-1-pentyl-1H-indazole-3-carboxamide, its optical, positional, and geometric isomers, salts, and salts of isomers;**
 - (d) **2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine, its optical, positional, and geometric isomers, salts, and salts of isomers;**
 - (e) **2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine, its optical, positional, and geometric isomers, salts, and salts of isomers;**
 - (f) **2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine, its optical, positional, and geometric isomers, salts, and salts of isomers;**
 - (g) **4-methyl-N-ethylcathinone, its optical, positional, and geometric isomers, salts, and salts of isomers;**
 - (h) **4-methyl-alpha-pyrrolidinopropylphenone, its optical, positional, and geometric isomers, salts, and salts of isomers;**
 - (i) **Alpha-pyrrolidinopentylphenone, its optical, positional, and geometric isomers, salts, and salts of isomers;**
 - (j) **Butylone, its optical, positional, and geometric isomers, salts, and salts of isomers;**
 - (k) **Pentadone, its optical, positional, and geometric isomers, salts, and salts of isomers;**
 - (l) **Pentylone, its optical, positional, and geometric isomers, salts, and salts of isomers;**
 - (m) **Naphyrone, its optical, positional, and geometric isomers, salts, and salts of isomers;**

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(n) Alpha-pyrrolidinobutiophenone, its optical, positional, and geometric isomers, salts, and salts of isomers;

(o) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide, its optical, positional, and geometric isomers, salts, and salts of isomers;

(p) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide, its optical, positional, and geometric isomers, salts, and salts of isomers;

(q) [1-(5-fluoropentyl)-1H-indazole-3-yl](naphthalen-1-yl)methanone, its optical, positional, and geometric isomers, salts, and salts of isomers;

(r) N-[1-[2-hydroxy-2-(thiophen-2-yl) ethyl]piperidin-4-yl]-N-phenylpropionamide, its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers;

(s) N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide, its optical, positional, and geometric isomers, salts, and salts of isomers;

(t) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide, its optical, positional, and geometric isomers, salts, and salts of isomers;

(u) methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate, its optical, positional, and geometric isomers, salts, and salts of isomers;

(v) methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate, its optical, positional, and geometric isomers, salts, and salts of isomers;

(w) N-(adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide, its optical, positional, and geometric isomers, salts, and salts of isomers;

(x) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide, its optical, positional, and geometric isomers, salts, and salts of isomers;

(y) methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate, its optical, positional, and geometric isomers, salts, and salts of isomers;

(z) methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate, its optical, positional, and geometric isomers, salts, and salts of isomers;

(aa) N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide, its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers;

(bb) methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3-methylbutanoate, its optical, positional, and geometric isomers, salts, and salts of isomers;

(cc) N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide, its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers;

(dd) N-(1-phenethylpiperidin-4-yl)-N-phenylpentanamide, its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers;

(ee) N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide, its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers;

(ff) N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)butyramide, its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers;

(gg) N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide, its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers;

(hh) N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide, its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers;

(ii) N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide, its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers;

(jj) Fentanyl-related substances, their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers. Fentanyl-related substance shall mean any substance not otherwise listed under another Drug Enforcement Administration Controlled Substance Code Number, and for which no exemption or approval is in effect under section 505 of the Federal Food, Drug, and

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Cosmetic Act, 21 U.S.C. Section 355, that is structurally related to fentanyl by one or more of the following modifications:

- a. Replacement of the phenyl portion of the phenethyl group by any monocycle, whether or not further substituted in or on the monocycle;
- b. Substitution in or on the phenethyl group with alkyl, alkenyl, alkoxy, hydroxyl, halo, haloalkyl, amino or nitro groups;
- c. Substitution in or on the piperidine ring with alkyl, alkenyl, alkoxy, ester, ether, hydroxyl, amino or nitro groups;
- d. Replacement of the aniline ring with any aromatic monocycle, whether or not further substituted in or on the aromatic monocycle; or
- e. Replacement of the N-propionyl group by another acyl group;
- (kk) Naphthalen-1-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate, its optical, positional, and geometric isomers, salts, and salts of isomers (NM2201; CBL2201);
- (ll) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide, its optical, positional, and geometric isomers, salts, and salts of isomers (5F-AB-PINACA);
- (mm) 1-(4-cyanobutyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide, its optical, positional, and geometric isomers, salts, and salts of isomers (4-CN-CUMYL-BUTINACA; 4-cyano-CUMYL-BUTINACA; 4-CN-CUMYLBINACA; CUMYL-4CN-BINACA; SGT-78);
- (nn) methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3-methylbutanoate, its optical, positional, and geometric isomers, salts, and salts of isomers (MMB-CHMICA, AMB-CHMICA);
- (oo) 1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-pyrrolo[2,3-b]pyridine-3-carboxamide, its optical, positional, and geometric isomers, salts, and salts of isomers (5F-CUMYL-P7AICA);
- (pp) N-ethylpentylone, its optical, positional, and geometric isomers, salts, and salts of isomers (ephylone, 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-pentan-1-one);
- (qq) ethyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate, its optical, positional, and geometric isomers, salts, and salts of isomers (trivial name: 5F-EDMB-PINACA);
- (rr) methyl 2-(1-(5-fluoropentyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate, its optical, positional, and geometric isomers, salts, and salts of isomers (trivial name: 5F-MDMB-PICA);
- (ss) N-(adamantan-1-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide, its optical, positional, and geometric isomers, salts, and salts of isomers (trivial names: FUB-AKB48; FUB-APINACA; AKB48 N-(4-FLUOROBENZYL));
- (tt) 1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide, its optical, positional, and geometric isomers, salts, and salts of isomers (trivial names: 5F-CUMYL-PINACA; SGT-25);
- (uu) (1-(4-fluorobenzyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl) methanone, its optical, positional, and geometric isomers, salts, and salts of isomers (trivial name: FUB-144);
- (vv) N-ethylhexedrone, its optical, positional, and geometric isomers, salts, and salts of isomers (Other name: 2-(ethylamino)-1-phenylhexan-1-one);
- (ww) alpha-pyrrolidinohexanophenone, its optical, positional, and geometric isomers, salts, and salts of isomers (Other names: α -PHP; alpha-pyrrolidinohexiophenone; 1-phenyl-2-(pyrrolidin-1-yl)hexan-1-one);
- (xx) 4-methyl-alpha-ethylaminopentiophenone, its optical, positional, and geometric isomers, salts, and salts of isomers; (Other names: 4-MEAP; 2-(ethylamino)-1-(4-methylphenyl)pentan-1-one);

(yy) 4'-methyl-alpha-pyrrolidinohephenone, its optical, positional, and geometric isomers, salts, and salts of isomers (Other names: MPHP; 4'-methyl-alpha-pyrrolidinohexanophenone; 1-(4-methylphenyl)-2-(pyrrolidin-1-yl)hexan-1-one);

(zz) alpha-pyrrolidinoheptaphenone, its optical, positional, and geometric isomers, salts, and salts of isomers (Other names: PV8; 1-phenyl-2-(pyrrolidin-1-yl)heptan-1-one);

(aaa) 4'-chloro-alpha-pyrrolidinovalerophenone, its optical, positional, and geometric isomers, salts, and salts of isomers (Other names: 4-chloro-*α*-PVP; 4'-chloro-alpha-pyrrolidinopentiophenone; 1-(4-chlorophenyl)-2-(pyrrolidin-1-yl)pentan-1-one);

~~[(8)]~~ (9) Khat, to include all parts of the plant presently classified botanically as *catha edulis*, whether growing or not; the seeds thereof; any extract from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seed or extracts.

3. The department of health and senior services shall place a substance in Schedule II if it finds that:

(1) The substance has high potential for abuse;

(2) The substance has currently accepted medical use in treatment in the United States, or currently accepted medical use with severe restrictions; and

(3) The abuse of the substance may lead to severe psychic or physical dependence.

4. The controlled substances listed in this subsection are included in Schedule II:

(1) Any of the following substances whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by combination of extraction and chemical synthesis:

(a) Opium and opiate; and any salt, compound, derivative or preparation of opium or opiate, excluding apomorphine, thebaine-derived butorphanol, dextrophan, nalbuphine, nalmefene, **naloxegol**, naloxone, and naltrexone, and their respective salts, but including the following:

a. Raw opium;

b. Opium extracts;

c. Opium fluid;

d. Powdered opium;

e. Granulated opium;

f. Tincture of opium;

g. Codeine;

h. **Dihydroetorphine**;

i. Ethylmorphine;

~~[i-]~~ j. Etorphine hydrochloride;

~~[j-]~~ k. Hydrocodone;

~~[k-]~~ l. Hydromorphone;

~~[l-]~~ m. Metopon;

~~[m-]~~ n. Morphine;

~~[n-]~~ o. **Oripavine**;

p. Oxycodone;

~~[o-]~~ q. Oxymorphone;

~~[p-]~~ r. Thebaine;

(b) Any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in this subdivision, but not including the isoquinoline alkaloids of opium;

(c) Opium poppy and poppy straw;

(d) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including **the following**:

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a. Decocainized coca leaves or extractions **of coca leaves**, which **extractions** do not contain cocaine or ecgonine; **or**

b. Ioflupane;

(e) Concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid or powder form which contains the phenanthrene alkaloids of the opium poppy);

(2) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, whenever the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation, dextrophan and levopropoxyphene excepted:

- (a) Alfentanil;
- (b) Alphaprodine;
- (c) Anileridine;
- (d) Bezitramide;
- (e) Bulk dextropropoxyphene;
- (f) Carfentanil;
- (g) Dihydrocodeine;
- (h) Diphenoxylate;
- (i) Fentanyl;
- (j) Isomethadone;
- (k) Levo-alphaacetylmethadol;
- (l) Levomethorphan;
- (m) Levorphanol;
- (n) Metazocine;
- (o) Methadone;
- (p) ~~Meperidine~~;
- ~~(q)~~ Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenylbutane;
- ~~(r)~~ **(q)** Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid;
- ~~(s)~~ **(r)** Pethidine (meperidine);
- ~~(t)~~ **(s)** Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;
- ~~(u)~~ **(t)** Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;
- ~~(v)~~ **(u)** Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;
- ~~(w)~~ **(v)** Phenazocine;
- ~~(x)~~ **(w)** Piminodine;
- ~~(y)~~ **(x)** Racemethorphan;
- ~~(z)~~ **(y)** Racemorphan;
- ~~(aa)~~ **(z)** Remifentanil;
- ~~(bb)~~ **(aa)** Sufentanil;
- ~~(cc)~~ **(bb)** Tapentadol;

(cc) Thiafentanil;

(3) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system:

- (a) Amphetamine, its salts, optical isomers, and salts of its optical isomers;
- (b) Lisdexamfetamine, its salts, isomers, and salts of its isomers;
- (c) Methamphetamine, its salts, isomers, and salts of its isomers;
- (d) Phenmetrazine and its salts;
- (e) Methylphenidate;

(4) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers is possible within the specific chemical designation:

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- (a) Amobarbital;
- (b) Glutethimide;
- (c) Pentobarbital;
- (d) Phencyclidine;
- (e) Secobarbital;

(5) ~~[Any material or compound which contains any quantity of nabilone]~~ **Hallucinogenic substances:**

(a) **Any material or compound which contains any quantity of nabilone;**

(b) **Dronabinol [(-)-Δ-9-trans tetrahydrocannabinol] in an oral solution in a drug product approved for marketing by the U.S. Food and Drug Administration;**

(6) Any material, compound, mixture, or preparation which contains any quantity of the following substances:

- (a) Immediate precursor to amphetamine and methamphetamine: Phenylacetone;
- (b) Immediate precursors to phencyclidine (PCP):
 - a. 1-phenylcyclohexylamine;
 - b. 1-piperidinocyclohexanecarbonitrile (PCC);

(c) **Immediate precursor to fentanyl: 4-anilino-N-phenethyl-4-piperidine (ANPP);**

(7) Any material, compound, mixture, or preparation which contains any quantity of the following alkyl nitrites:

- (a) Amyl nitrite;
- (b) Butyl nitrite.

5. The department of health and senior services shall place a substance in Schedule III if it finds that:

- (1) The substance has a potential for abuse less than the substances listed in Schedules I and II;
- (2) The substance has currently accepted medical use in treatment in the United States; and
- (3) Abuse of the substance may lead to moderate or low physical dependence or high psychological dependence.

6. The controlled substances listed in this subsection are included in Schedule III:

(1) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system:

- (a) Benzphetamine;
- (b) Chlorphentermine;
- (c) Clortermine;
- (d) Phendimetrazine;

(2) Any material, compound, mixture or preparation which contains any quantity or salt of the following substances or salts having a depressant effect on the central nervous system:

(a) Any material, compound, mixture or preparation which contains any quantity or salt of the following substances combined with one or more active medicinal ingredients:

- a. Amobarbital;
- b. Secobarbital;
- c. Pentobarbital;
- (b) Any suppository dosage form containing any quantity or salt of the following:
 - a. Amobarbital;
 - b. Secobarbital;
 - c. Pentobarbital;
- (c) Any substance which contains any quantity of a derivative of barbituric acid or its salt;
- (d) Chlorhexadol;
- (e) Embutramide;

(f) Gamma hydroxybutyric acid and its salts, isomers, and salts of isomers contained in a drug product for which an application has been approved under Section 505 of the federal Food, Drug, and Cosmetic Act;

(g) Ketamine, its salts, isomers, and salts of isomers;

(h) Lysergic acid;

(i) Lysergic acid amide;

(j) Methypylon;

(k) **Perampanel, and its salts, isomers, and salts of isomers;**

~~(l)~~ **(l)** Sulfondiethylmethane;

~~[(h)]~~ **(m)** Sulfonethylmethane;

~~[(m)]~~ **(n)** Sulfonmethane;

~~[(n)]~~ **(o)** Tiletamine and zolazepam or any salt thereof;

(3) Nalorphine;

(4) Any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs or their salts:

(a) Not more than 1.8 grams of codeine per one hundred milliliters or not more than ninety milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;

(b) Not more than 1.8 grams of codeine per one hundred milliliters or not more than ninety milligrams per dosage unit with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

~~(c) [Not more than three hundred milligrams of hydrocodone per one hundred milliliters or not more than fifteen milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium;~~

~~(d) [Not more than three hundred milligrams of hydrocodone per one hundred milliliters or not more than fifteen milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized therapeutic amounts;~~

~~(e)]~~ **(e)]** Not more than 1.8 grams of dihydrocodeine per one hundred milliliters or not more than ninety milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

~~[(f)]~~ **(d)** Not more than three hundred milligrams of ethylmorphine per one hundred milliliters or not more than fifteen milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

~~[(g)]~~ **(e)** Not more than five hundred milligrams of opium per one hundred milliliters or per one hundred grams or not more than twenty-five milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized therapeutic amounts;

~~[(h)]~~ **(f)** Not more than fifty milligrams of morphine per one hundred milliliters or per one hundred grams, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(5) Any material, compound, mixture, or preparation containing any of the following narcotic drugs or their salts~~], as set forth in subdivision (6) of this subsection;]~~ : Buprenorphine;

(6) Anabolic steroids. Any drug or hormonal substance, chemically and pharmacologically related to testosterone (other than estrogens, progestins, corticosteroids, and dehydroepiandrosterone) that promotes muscle growth, except an anabolic steroid which is expressly intended for administration through implants to cattle or other nonhuman species and which has been approved by the Secretary of Health and Human Services for that administration. If any person prescribes, dispenses, or distributes such steroid for human use, such person shall be considered to have prescribed, dispensed, or distributed an anabolic steroid within the meaning of this subdivision. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation containing any quantity of the following substances, including its salts, esters and ethers:

(a) ~~[3 β ,17-dihydroxy-5 α -androstane]~~ **3 β ,17 β -dihydroxy-5 α -androstane;**

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- (b) 3 α ,17 β -dihydroxy-5 α -androstane;
- (c) 5 α -androstan-3,17-dione;
- (d) 1-androstenediol (3 β ,17 β -dihydroxy-5 α -androst-1-ene);
- (e) 1-androstenediol (3 α ,17 β -dihydroxy-5 α -androst-1-ene);
- (f) 4-androstenediol (3 β ,17 β -dihydroxy-androst-4-ene);
- (g) 5-androstenediol (3 β ,17 β -dihydroxy-androst-5-ene);
- (h) 1-androstenedione ([5 α]-androst-1-en-3,17-dione);
- (i) 4-androstenedione (androst-4-en-3,17-dione);
- (j) 5-androstenedione (androst-5-en-3,17-dione);
- (k) Bolasterone (7 α , 17 α -dimethyl-17 β -hydroxyandrost-4-en-3-one);
- (l) Boldenone (17 β -hydroxyandrost-1,4,-diene-3-one);
- (m) Boldione;
- (n) Calusterone (7 β , 17 α -dimethyl-17 β -hydroxyandrost-4-en-3-one);
- (o) Clostebol (4-chloro-17 β -hydroxyandrost-4-en-3-one);
- (p) Dehydrochloromethyltestosterone (4-chloro-17 β -hydroxy-17 α -methyl-androst-1,4-dien-3-one);
- (q) Desoxymethyltestosterone;
- (r) ~~[Δ^1 -dihydrotestosterone (a.k.a. '1-testosterone') (17 β -hydroxy-5 α -androst-1-en-3-one);~~
- ~~(s)~~ 4-dihydrotestosterone (17 β -hydroxy-androstan-3-one);
- ~~(t)~~ (s) Drostanolone (17 β -hydroxy-2 α -methyl-5 α -androstan-3-one);
- ~~(u)~~ (t) Ethylestrenol (17 α -ethyl-17 β -hydroxyestr-4-ene);
- ~~(v)~~ (u) Fluoxymesterone (9-fluoro-17 α -methyl-11 β ,17 β -dihydroxyandrost-4-en-3-one);
- ~~(w)~~ (v) Formebolone (2-formyl-17 α -methyl-11 α ,17 β -dihydroxyandrost-1,4-dien-3-one);
- ~~(x)~~ (w) Furazabol (17 α -methyl-17 β -hydroxyandrostano[2,3-c]-furazan);
- ~~(y)~~ (x) 13 β -ethyl-17 β -hydroxygon-4-en-3-one;
- ~~(z)~~ (y) 4-hydroxytestosterone (4,17 β -dihydroxy-androst-4-en-3-one);
- ~~(aa)~~ (z) 4-hydroxy-19-nortestosterone (4,17 β -dihydroxy-estr-4-en-3-one);
- ~~(bb)~~ (aa) Mestanolone [(17 α -methyl-17 β -hydroxy-5 α -androstan-3-one)] **(17 α -methyl-17 β -hydroxy-5 α -androstan-3-one);**
- ~~(cc)~~ (bb) Mesterolone [(1 α -methyl-17 β -hydroxy-[5 α]-androstan-3-one)] **(1 α -methyl-17 β -hydroxy-[5 α]-androstan-3-one);**
- ~~(dd)~~ (cc) Methandienone (17 α -methyl-17 β -hydroxyandrost-1,4-dien-3-one);
- ~~(ee)~~ (dd) Methandiol (17 α -methyl-3 β ,17 β -dihydroxyandrost-5-ene);
- ~~(ff)~~ (ee) **Methasterone (2 α ,17 α -dimethyl-5 α -androstan-17 β -ol-3-one);**
- ~~(gg)~~ (ff) Methenolone (1-methyl-17 β -hydroxy-5 α -androst-1-en-3-one);
- (gg) 17 α -methyl-3 β ,17 β -dihydroxy-5 α -androstan-3-one);
- (hh) 17 α -methyl-3 α ,17 β -dihydroxy-5 α -androstan-3-one);
- (ii) 17 α -methyl-3 β ,17 β -dihydroxyandrost-4-ene;
- (jj) 17 α -methyl-4-hydroxynandrolone (17 α -methyl-4-hydroxy-17 β -hydroxyestr-4-en-3-one);
- (kk) Methyldienolone (17 α -methyl-17 β -hydroxyestra-4,9(10)-dien-3-one);
- (ll) ~~[Methyltrienolone (17 α -methyl-17 β -hydroxyestra-4,9,11-trien-3-one)]~~ **Methyltrienolone (17 α -methyl-17 β -hydroxyestra-4,9,11-trien-3-one);**
- (mm) Methyltestosterone (17 α -methyl-17 β -hydroxyandrost-4-en-3-one);
- (nn) Mibolerone (7 α ,17 α -dimethyl-17 β -hydroxyestr-4-en-3-one);
- (oo) 17 α -methyl- Δ^1 -dihydrotestosterone (17 β -hydroxy-17 α -methyl-5 α -androst-1-en-3-one) (a.k.a. '17- α -methyl-1-testosterone');
- (pp) Nandrolone (17 β -hydroxyestr-4-ene-3-one);
- (qq) 19-nor-4-androstenediol (3 β ,17 β -dihydroxyestr-4-ene);
- (rr) 19-nor-4-androstenediol (3 α ,17 β -dihydroxyestr-4-ene);

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

- (ss) 19-nor-4,9(10)-androstadienedione (**estra-4,9(10)-diene-3,17-dione**);
- (tt) 19-nor-5-androstenediol (3 β ,17 β -dihydroxyestr-5-ene);
- (uu) 19-nor-5-androstenediol (3 α ,17 β -dihydroxyestr-5-ene);
- (vv) 19-nor-4-androstenedione (estr-4-en-3,17-dione);
- (ww) 19-nor-5-androstenedione (estr-5-en-3,17-dione);
- (xx) Norbolethone (13 β ,17 α -diethyl-17 β -hydroxygon-4-en-3-one);
- (yy) Norclostebol (4-chloro-17 β -hydroxyestr-4-en-3-one);
- (zz) Norethandrolone (17 α -ethyl-17 β -hydroxyestr-4-en-3-one);
- (aaa) Normethandrolone (17 α -methyl-17 β -hydroxyestr-4-en-3-one);
- (bbb) Oxandrolone (17 α -methyl-17 β -hydroxy-2-oxa-[5 α]-androstan-3-one);
- (ccc) Oxymesterone (17 α -methyl-4,17 β -dihydroxyandrost-4-en-3-one);
- (ddd) ~~[Oxymethalone (17 α -methyl-2-hydroxymethylene-17 β -hydroxy-[5 α]-androstan-3-one)]~~
- Oxymetholone (17 α -methyl-2-hydroxymethylene-17 β -hydroxy-[5 α]-androstan-3-one);**
- (eee) **Prostanozol (17 β -hydroxy-5 α -androstan-3-one)[3,2-c]pyrazole);**
- (fff) **Stanolone (1 Δ -dihydrotestosterone (a.k.a. 1-testosterone)(17 β -hydroxy-5 α -androst-1-en-3-one));**
- (ggg) Stanazolol (17 α -methyl-17 β -hydroxy-[5 α]-androst-2-eno[3,2-c]-pyrazole);
- ~~[(hhh)]~~ (hhh) Stenbolone (17 β -hydroxy-2-methyl-[5 α]-androst-1-en-3-one);
- ~~[(ggg)]~~ (iii) Testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic acid lactone);
- ~~[(hhh)]~~ (jjj) Testosterone (17 β -hydroxyandrost-4-en-3-one);
- ~~[(iii)]~~ (kkk) Tetrahydrogestrinone (13 β ,17 α -diethyl-17 β -hydroxygon-4,9,11-trien-3-one);
- ~~[(iii)]~~ (lll) Trenbolone (17 β -hydroxyestr-4,9,11-trien-3-one);
- ~~[(kkk)]~~ (mmm) Any salt, ester, or ether of a drug or substance described or listed in this subdivision, except an anabolic steroid which is expressly intended for administration through implants to cattle or other nonhuman species and which has been approved by the Secretary of Health and Human Services for that administration;
- (7) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a United States Food and Drug Administration approved drug product;
- (8) The department of health and senior services may except by rule any compound, mixture, or preparation containing any stimulant or depressant substance listed in subdivisions (1) and (2) of this subsection from the application of all or any part of sections 195.010 to 195.320 if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a stimulant or depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a stimulant or depressant effect on the central nervous system.
7. The department of health and senior services shall place a substance in Schedule IV if it finds that:
- (1) The substance has a low potential for abuse relative to substances in Schedule III;
 - (2) The substance has currently accepted medical use in treatment in the United States; and
 - (3) Abuse of the substance may lead to limited physical dependence or psychological dependence relative to the substances in Schedule III.
8. The controlled substances listed in this subsection are included in Schedule IV:
- (1) Any material, compound, mixture, or preparation containing any of the following narcotic drugs or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:
 - (a) Not more than one milligram of difenoxin and not less than twenty-five micrograms of atropine sulfate per dosage unit;
 - (b) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1, 2-diphenyl-3-methyl-2-propionoxybutane);

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

(c) **2-[(dimethylamino)methyl]-1-(3-methoxyphenyl)cyclohexanol, its salts, optical and geometric isomers, and salts of these isomers (including tramadol);**

(d) Any of the following limited quantities of narcotic drugs or their salts, which shall include one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone:

a. Not more than two hundred milligrams of codeine per one hundred milliliters or per one hundred grams;

b. Not more than one hundred milligrams of dihydrocodeine per one hundred milliliters or per one hundred grams;

c. Not more than one hundred milligrams of ethylmorphine per one hundred milliliters or per one hundred grams;

(2) Any material, compound, mixture or preparation containing any quantity of the following substances, including their salts, isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers is possible within the specific chemical designation:

(a) **Alfaxalone;**

(b) Alprazolam;

~~[(b)]~~ (c) Barbitol;

~~[(c)]~~ (d) Bromazepam;

~~[(d)]~~ (e) Camazepam;

~~[(e)]~~ (f) **Carisoprodol;**

(g) Chloral betaine;

~~[(g)]~~ (h) Chloral hydrate;

~~[(h)]~~ (i) Chlordiazepoxide;

~~[(i)]~~ (j) Clobazam;

~~[(j)]~~ (k) Clonazepam;

~~[(k)]~~ (l) Clorazepate;

~~[(l)]~~ (m) Clotiazepam;

~~[(m)]~~ (n) Cloxazolam;

~~[(n)]~~ (o) Delorazepam;

~~[(o)]~~ (p) Diazepam;

~~[(p)]~~ (q) Dichloralphenazone;

~~[(q)]~~ (r) Estazolam;

~~[(r)]~~ (s) Ethchlorvynol;

~~[(s)]~~ (t) Ethinamate;

~~[(t)]~~ (u) Ethyl loflazepate;

~~[(u)]~~ (v) Fludiazepam;

~~[(v)]~~ (w) Flunitrazepam;

~~[(w)]~~ (x) Flurazepam;

~~[(x)]~~ (y) Fospropofol;

~~[(y)]~~ (z) Halazepam;

~~[(z)]~~ (aa) Haloxazolam;

~~[(aa)]~~ (bb) Ketazolam;

~~[(bb)]~~ (cc) Loprazolam;

~~[(cc)]~~ (dd) Lorazepam;

~~[(dd)]~~ (ee) Lormetazepam;

~~[(ee)]~~ (ff) Mebutamate;

~~[(ff)]~~ (gg) Medazepam;

~~[(gg)]~~ (hh) Meprobamate;

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.

Matter in bold-face type is proposed language.

~~[(gg)]~~ (ii) Methohexital;
~~[(hh)]~~ (jj) Methylphenobarbital (mephobarbital);
~~[(ii)]~~ (kk) Midazolam;
~~[(jj)]~~ (ll) Nimetazepam;
~~[(kk)]~~ (mm) Nitrazepam;
~~[(ll)]~~ (nn) Nordiazepam;
~~[(mm)]~~ (oo) Oxazepam;
~~[(nn)]~~ (pp) Oxazolam;
~~[(oo)]~~ (qq) Paraldehyde;
~~[(pp)]~~ (rr) Petrichloral;
~~[(qq)]~~ (ss) Phenobarbital;
~~[(rr)]~~ (tt) Pinazepam;
~~[(ss)]~~ (uu) Prazepam;
~~[(tt)]~~ (vv) Quazepam;
~~[(uu)]~~ (ww) **Suvorexant**;
 (xx) Temazepam;
~~[(vv)]~~ (yy) Tetrazepam;
~~[(ww)]~~ (zz) Triazolam;
~~[(xx)]~~ (aaa) Zaleplon;
~~[(yy)]~~ (bbb) Zolpidem;
~~[(zz)]~~ (ccc) Zopiclone;

(3) Any material, compound, mixture, or preparation which contains any quantity of the following substance including its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible: fenfluramine;

(4) **Any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers, and salts of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible: Lorcaserin;**

(5) Any material, compound, mixture or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system, including their salts, isomers and salts of isomers:

- (a) Cathine ((+)-norpseudoephedrine);
- (b) Diethylpropion;
- (c) Fencamfamin;
- (d) Fenproporex;
- (e) Mazindol;
- (f) Mefenorex;
- (g) Modafinil;
- (h) Pemoline, including organometallic complexes and chelates thereof;
- (i) Phentermine;
- (j) Pipradrol;
- (k) Sibutramine;
- (l) SPA ((-)-1-dimethylamino-1,2-diphenylethane);

~~[(5)]~~ (6) Any material, compound, mixture or preparation containing any quantity of the following substance, including its salts:

- (a) Butorphanol (**including its optical isomers**);
- (b) **Eluxadoline (5-[[[(2S)-2-amino-3-[4-aminocarbonyl]-2,6-dimethylphenyl]-1-oxopropyl] [(1S)-1-(4-phenyl-1 H-imidazol-2-yl)ethyl]amino]methyl]-2-methoxybenzoic acid) (including its optical isomers) and its salts, isomers, and salts of isomers;**
- (c) Pentazocine;

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

~~[(6)]~~ (7) Ephedrine, its salts, optical isomers and salts of optical isomers, when the substance is the only active medicinal ingredient;

~~[(7)]~~ (8) The department of health and senior services may except by rule any compound, mixture, or preparation containing any depressant substance listed in subdivision (1) of this subsection from the application of all or any part of sections 195.010 to 195.320 and sections 579.015 to 579.086 if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a depressant effect on the central nervous system.

9. The department of health and senior services shall place a substance in Schedule V if it finds that:

- (1) The substance has low potential for abuse relative to the controlled substances listed in Schedule IV;
- (2) The substance has currently accepted medical use in treatment in the United States; and
- (3) The substance has limited physical dependence or psychological dependence liability relative to the controlled substances listed in Schedule IV.

10. The controlled substances listed in this subsection are included in Schedule V:

(1) Any compound, mixture or preparation containing any of the following narcotic drugs or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below, which also contains one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone:

- (a) Not more than two and five-tenths milligrams of diphenoxylate and not less than twenty-five micrograms of atropine sulfate per dosage unit;
- (b) Not more than one hundred milligrams of opium per one hundred milliliters or per one hundred grams;
- (c) Not more than five-tenths milligram of difenoxin and not less than twenty-five micrograms of atropine sulfate per dosage unit;

(2) Any material, compound, mixture or preparation which contains any quantity of the following substance having a stimulant effect on the central nervous system including its salts, isomers and salts of isomers: pyrovalerone;

(3) Any compound, mixture, or preparation containing any detectable quantity of pseudoephedrine or its salts or optical isomers, or salts of optical isomers or any compound, mixture, or preparation containing any detectable quantity of ephedrine or its salts or optical isomers, or salts of optical isomers;

(4) Unless specifically exempted or excluded or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts:

(a) **Brivaracetam ((2S)-2-[(4R)-2-oxo-4-propylpyrrolidin-1-yl]butanamide) (also referred to as BRV; UCB-34714; Briviact);**

(b) **Ezogabine [N-[2-amino-4(4-fluorobenzylamino)-phenyl]-carbamic acid ethyl ester];**

(c) **Lacosamide [(R)-2-acetoamido-N-benzyl-3-methoxy-propionamide];**

~~[(b)]~~ (d) **Pregabalin [(S)-3-(aminomethyl)-5-methylhexanoic acid];**

(5) **Any drug product in finished dosage formulation that has been approved by the U.S. Food and Drug Administration that contains cannabidiol (2-[1R-3-methyl-6R-(1-methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-1,3-benzenediol) derived from cannabis and no more than 0.1 percent (w/w) residual tetrahydrocannabinols.**

11. If any compound, mixture, or preparation as specified in subdivision (3) of subsection 10 of this section is dispensed, sold, or distributed in a pharmacy without a prescription:

(1) All packages of any compound, mixture, or preparation containing any detectable quantity of pseudoephedrine, its salts or optical isomers, or salts of optical isomers or ephedrine, its salts or optical isomers, or salts of optical isomers, shall be offered for sale only from behind a pharmacy counter where the public is not permitted, and only by a registered pharmacist or registered pharmacy technician; and

(2) Any person purchasing, receiving or otherwise acquiring any compound, mixture, or preparation containing any detectable quantity of pseudoephedrine, its salts or optical isomers, or salts of optical isomers or ephedrine, its salts or optical isomers, or salts of optical isomers shall be at least eighteen years of age; and

(3) The pharmacist, intern pharmacist, or registered pharmacy technician shall require any person, prior to such person's purchasing, receiving or otherwise acquiring such compound, mixture, or preparation to furnish suitable photo identification that is issued by a state or the federal government or a document that, with respect to identification, is considered acceptable and showing the date of birth of the person;

(4) The seller shall deliver the product directly into the custody of the purchaser.

12. Pharmacists, intern pharmacists, and registered pharmacy technicians shall implement and maintain an electronic log of each transaction. Such log shall include the following information:

(1) The name, address, and signature of the purchaser;

(2) The amount of the compound, mixture, or preparation purchased;

(3) The date and time of each purchase; and

(4) The name or initials of the pharmacist, intern pharmacist, or registered pharmacy technician who dispensed the compound, mixture, or preparation to the purchaser.

13. Each pharmacy shall submit information regarding sales of any compound, mixture, or preparation as specified in subdivision (3) of subsection 10 of this section in accordance with transmission methods and frequency established by the department by regulation;

14. No person shall dispense, sell, purchase, receive, or otherwise acquire quantities greater than those specified in this chapter.

15. All persons who dispense or offer for sale pseudoephedrine and ephedrine products in a pharmacy shall ensure that all such products are located only behind a pharmacy counter where the public is not permitted.

16. The penalties for a knowing or reckless violation of the provisions of subsections 11 to 15 of this section are found in section 579.060.

17. The scheduling of substances specified in subdivision (3) of subsection 10 of this section and subsections 11, 12, 14, and 15 of this section shall not apply to any compounds, mixtures, or preparations that are in liquid or liquid-filled gel capsule form or to any compound, mixture, or preparation specified in subdivision (3) of subsection 10 of this section which must be dispensed, sold, or distributed in a pharmacy pursuant to a prescription.

18. The manufacturer of a drug product or another interested party may apply with the department of health and senior services for an exemption from this section. The department of health and senior services may grant an exemption by rule from this section if the department finds the drug product is not used in the illegal manufacture of methamphetamine or other controlled or dangerous substances. The department of health and senior services shall rely on reports from law enforcement and law enforcement evidentiary laboratories in determining if the proposed product can be used to manufacture illicit controlled substances.

19. The department of health and senior services shall revise and republish the schedules annually.

20. The department of health and senior services shall promulgate rules under chapter 536 regarding the security and storage of Schedule V controlled substances, as described in subdivision (3) of subsection 10 of this section, for distributors as registered by the department of health and senior services.

21. Logs of transactions required to be kept and maintained by this section and section 195.417 shall create a rebuttable presumption that the person whose name appears in the logs is the person whose transactions are recorded in the logs.

195.417. LIMIT ON SALE OR DISPENSING OF CERTAIN DRUGS, EXCEPTIONS — PRESCRIPTION FOR CERTAIN SUBSTANCES NOT REQUIRED, WHEN, EXPIRATION WHEN — LOCAL ORDINANCES, STATE LAW TO SUPERCEDE AND PREEMPT — VIOLATIONS, PENALTY. —

1. The limits specified in this section shall not apply to any quantity of such product, mixture, or preparation which must be dispensed, sold, or distributed in a pharmacy pursuant to a valid prescription.

2. Within any thirty-day period, no person shall sell, dispense, or otherwise provide to the same individual, and no person shall purchase, receive, or otherwise acquire more than the following amount: any number of packages of any drug product containing any detectable amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, either as:

- (1) The sole active ingredient; or
- (2) One of the active ingredients of a combination drug; or
- (3) A combination of any of the products specified in subdivisions (1) and (2) of this subsection;

in any total amount greater than ~~nine~~ **seven and two-tenths** grams, without regard to the number of transactions.

3. Within any twenty-four-hour period, no pharmacist, intern pharmacist, or registered pharmacy technician shall sell, dispense, or otherwise provide to the same individual, and no person shall purchase, receive, or otherwise acquire more than the following amount: any number of packages of any drug product containing any detectable amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, either as:

- (1) The sole active ingredient; or
- (2) One of the active ingredients of a combination drug; or
- (3) A combination of any of the products specified in subdivisions (1) and (2) of this subsection;

in any total amount greater than three and six-tenths grams without regard to the number of transactions.

4. **Within any twelve-month period, no person shall sell, dispense, or otherwise provide to the same individual, and no person shall purchase, receive, or otherwise acquire more than the following amount: any number of packages of any drug product containing any detectable amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, either as:**

- (1) The sole active ingredient; or**
- (2) One of the active ingredients of a combination drug; or**
- (3) A combination of any of the products specified in subdivisions (1) and (2) of this subsection;**

in any total amount greater than forty-three and two-tenths grams, without regard to the number of transactions.

5. All packages of any compound, mixture, or preparation containing any detectable quantity of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, except those that are excluded from Schedule V in subsection 17 or 18 of section 195.017, shall be offered for sale only from behind a pharmacy counter where the public is not permitted, and only by a registered pharmacist or registered pharmacy technician under section 195.017.

~~[5.]~~ **6.** Each pharmacy shall submit information regarding sales of any compound, mixture, or preparation as specified in this section in accordance with transmission methods and frequency established by the department by regulation.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.

Matter in bold-face type is proposed language.

7. No prescription shall be required for the dispensation, sale, or distribution of any drug product containing any detectable amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, in an amount within the limits described in subsections 2, 3, and 4 of this section. The superintendent of the Missouri state highway patrol shall report to the revisor of statutes and the general assembly by February first when the statewide number of methamphetamine laboratory seizure incidents exceeds three hundred incidents in the previous calendar year. The provisions of this subsection shall expire on April first of the calendar year in which the revisor of statutes receives such notification.

~~[6.]~~ 8. This section shall supersede and preempt any local ordinances or regulations, including any ordinances or regulations enacted by any political subdivision of the state. This section shall not apply to the sale of any animal feed products containing ephedrine or any naturally occurring or herbal ephedra or extract of ephedra.

9. Any local ordinances or regulations enacted by any political subdivision of the state prior to August 28, 2020, requiring a prescription for the dispensation, sale, or distribution of any drug product containing any detectable amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, in an amount within the limits described in subsections 2, 3, and 4 of this section shall be void and of no effect and no such political subdivision shall maintain or enforce such ordinance or regulation.

~~[7.]~~ 10. All logs, records, documents, and electronic information maintained for the dispensing of these products shall be open for inspection and copying by municipal, county, and state or federal law enforcement officers whose duty it is to enforce the controlled substances laws of this state or the United States.

~~[8.]~~ 11. All persons who dispense or offer for sale pseudoephedrine and ephedrine products, except those that are excluded from Schedule V in subsection 17 or 18 of section 195.017, shall ensure that all such products are located only behind a pharmacy counter where the public is not permitted.

~~[9.]~~ 12. The penalty for a knowing or reckless violation of this section is found in section 579.060.

195.805. EDIBLE MARIJUANA — INFUSED PRODUCTS, RESTRICTIONS ON DESIGN AND SHAPE — THC STAMP REQUIRED, WHEN — VIOLATIONS, PENALTY — RULEMAKING AUTHORITY. — 1. No edible marijuana-infused product, packaging, or logo sold in Missouri pursuant to article XIV of the Missouri Constitution shall be designed in the shape of a human, animal, or fruit, including realistic, artistic, caricature, or cartoon renderings. However, geometric shapes, including, but not limited to, circles, squares, rectangles, and triangles, shall be permitted.

2. Each package, or packages within a package, containing an edible marijuana-infused product with ten or more milligrams of tetrahydrocannabinols (THC) shall be stamped with a universal symbol for such products, which shall consist of the following:

- (1) A diamond containing the letters "THC";
- (2) The letter "M" located under the "THC" within the diamond, to signify that the product is for medical purposes; and
- (3) The number of milligrams of THC in the package.

The universal symbol shall be placed on the front of the package in red and white print and shall measure one-half inch by one-half inch from point to point.

3. Any licensed or certified entity regulated by the department of health and senior services pursuant to article XIV of the Missouri Constitution found to have violated the provisions of this section shall be subject to department sanctions, including an administrative penalty, in

accordance with the regulations promulgated by the department pursuant to article XIV of the Missouri Constitution.

4. The department shall promulgate rules and regulations prohibiting edible marijuana-infused products designed to appeal to persons under eighteen years of age, as well as promulgate rules and regulations to establish a process by which a licensed or certified entity may seek approval of an edible product design, package, or label prior to such product's manufacture or sale in order to determine compliance with the provisions of this section and any rules promulgated pursuant to this section. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2020, shall be invalid and void.

195.815. FINGERPRINTING REQUIREMENTS, MEDICAL MARIJUANA FACILITIES — DEFINITIONS. — 1. The department of health and senior services shall require all officers, managers, contractors, employees, and other support staff of licensed or certified medical marijuana facilities, and all owners of such medical marijuana facilities who will have access to the facilities or to the facilities' medical marijuana, to submit fingerprints to the Missouri state highway patrol for the purpose of conducting a state and federal fingerprint-based criminal background check.

2. The department may require that such fingerprint submissions be made as part of a medical marijuana facility application for licensure or certification, a medical marijuana facility application for renewal of licensure or certification, and an individual's application for an identification card authorizing that individual to be an owner, officer, manager, contractor, employee, or other support staff of a medical marijuana facility.

3. Fingerprint cards and any required fees shall be sent to the Missouri state highway patrol's central repository. The fingerprints shall be used for searching the state criminal records repository and shall also be forwarded to the Federal Bureau of Investigation for a federal criminal records search under section 43.540. The Missouri state highway patrol shall notify the department of any criminal history record information or lack of criminal history record information discovered on the individual. Notwithstanding the provisions of section 610.120 to the contrary, all records related to any criminal history information discovered shall be accessible and available to the department.

4. As used in this section, the following words shall mean:

(1) "Employee", any person performing work or service of any kind or character for hire in a medical marijuana facility;

(2) "Medical marijuana facility", an entity licensed or certified by the department of health and senior services, or its successor agency, to acquire, cultivate, process, manufacture, test, store, sell, transport, or deliver medical marijuana;

(3) "Other support staff", any person performing work or service of any kind or character, other than employees, on behalf of a medical marijuana facility if such a person would have access to the medical marijuana facility or its medical marijuana or related equipment or supplies.

579.060. UNLAWFUL SALE, DISTRIBUTION, OR PURCHASE OF OVER-THE-COUNTER METHAMPHETAMINE PRECURSOR DRUGS — VIOLATION, PENALTY. — 1. A person commits the offense of unlawful sale, distribution, or purchase of over-the-counter methamphetamine precursor drugs if he or she knowingly:

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

(1) Sells, distributes, dispenses, or otherwise provides any number of packages of any drug product containing detectable amounts of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts, optical isomers, or salts of optical isomers, in a total amount greater than ~~[nine]~~ **seven and two-tenths** grams to the same individual within a thirty-day period, unless the amount is dispensed, sold, or distributed pursuant to a valid prescription; or

(2) Purchases, receives, or otherwise acquires within a thirty-day period any number of packages of any drug product containing any detectable amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers in a total amount greater than ~~[nine]~~ **seven and two-tenths** grams, without regard to the number of transactions, unless the amount is purchased, received, or acquired pursuant to a valid prescription; or

(3) Purchases, receives, or otherwise acquires within a twenty-four-hour period any number of packages of any drug product containing any detectable amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers in a total amount greater than three and six-tenths grams, without regard to the number of transactions, unless the amount is purchased, received, or acquired pursuant to a valid prescription; or

(4) **Sells, distributes, dispenses, or otherwise provides any number of packages of any drug product containing detectable amounts of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts, optical isomers, or salts of optical isomers, in a total amount greater than forty-three and two-tenths grams to the same individual within a twelve-month period, unless the amount is dispensed, sold, or distributed pursuant to a valid prescription; or**

(5) **Purchases, receives, or otherwise acquires within a twelve-month period any number of packages of any drug product containing any detectable amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers in a total amount greater than forty-three and two-tenths grams, without regard to the number of transactions, unless the amount is purchased, received, or acquired pursuant to a valid prescription; or**

(6) Dispenses or offers drug products that are not excluded from Schedule V in subsection 17 or 18 of section 195.017 and that contain detectable amounts of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts, optical isomers, or salts of optical isomers, without ensuring that such products are located behind a pharmacy counter where the public is not permitted and that such products are dispensed by a registered pharmacist or pharmacy technician under subsection 11 of section 195.017; or

~~[(5)]~~ (7) Holds a retail sales license issued under chapter 144 and knowingly sells or dispenses packages that do not conform to the packaging requirements of section 195.418.

2. A pharmacist, intern pharmacist, or registered pharmacy technician commits the offense of unlawful sale, distribution, or purchase of over-the-counter methamphetamine precursor drugs if he or she knowingly:

(1) Sells, distributes, dispenses, or otherwise provides any number of packages of any drug product containing detectable amounts of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, in a total amount greater than three and six-tenth grams to the same individual within a twenty-four hour period, unless the amount is dispensed, sold, or distributed pursuant to a valid prescription; or

(2) Fails to submit information under subsection 13 of section 195.017 and subsection ~~[5]~~ **6** of section 195.417 about the sales of any compound, mixture, or preparation of products containing detectable amounts of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts, optical isomers, or salts of optical isomers, in accordance with transmission methods and frequency established by the department of health and senior services; or

(3) Fails to implement and maintain an electronic log, as required by subsection 12 of section 195.017, of each transaction involving any detectable quantity of pseudoephedrine, its salts, isomers, or salts of optical isomers or ephedrine, its salts, optical isomers, or salts of optical isomers; or

(4) Sells, distributes, dispenses or otherwise provides to an individual under eighteen years of age without a valid prescription any number of packages of any drug product containing any detectable quantity of pseudoephedrine, its salts, isomers, or salts of optical isomers, or ephedrine, its salts or optical isomers, or salts of optical isomers.

3. Any person who violates the packaging requirements of section 195.418 and is considered the general owner or operator of the outlet where ephedrine, pseudoephedrine, or phenylpropanolamine products are available for sale shall not be penalized if he or she documents that an employee training program was in place to provide the employee who made the unlawful retail sale with information on the state and federal regulations regarding ephedrine, pseudoephedrine, or phenylpropanolamine.

4. The offense of unlawful sale, distribution, or purchase of over-the-counter methamphetamine precursor drugs is a class A misdemeanor.

579.065. TRAFFICKING DRUGS, FIRST DEGREE — PENALTY. — 1. A person commits the offense of trafficking drugs in the first degree if, except as authorized by this chapter or chapter 195, such person knowingly distributes, delivers, manufactures, produces or attempts to distribute, deliver, manufacture or produce:

(1) More than thirty grams ~~[but less than ninety grams]~~ of a mixture or substance containing a detectable amount of heroin;

(2) More than one hundred fifty grams ~~[but less than four hundred fifty grams]~~ of a mixture or substance containing a detectable amount of coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts and their optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound, mixture, or preparation which contains any quantity of any of the foregoing substances;

(3) More than eight grams ~~[but less than twenty four grams]~~ of a mixture or substance described in subdivision (2) of this subsection which contains cocaine base;

(4) More than five hundred milligrams ~~[but less than one gram]~~ of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD);

(5) More than thirty grams ~~[but less than ninety grams]~~ of a mixture or substance containing a detectable amount of phencyclidine (PCP);

(6) More than four grams ~~[but less than twelve grams]~~ of phencyclidine;

(7) More than thirty kilograms ~~[but less than one hundred kilograms]~~ of a mixture or substance containing marijuana;

(8) More than thirty grams ~~[but less than ninety grams]~~ of any material, compound, mixture, or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers; methamphetamine, its salts, optical isomers and salts of its optical isomers; phenmetrazine and its salts; or methylphenidate; ~~[or]~~

(9) More than thirty grams ~~[but less than ninety grams]~~ of any material, compound, mixture, or preparation which contains any quantity of 3,4-methylenedioxymethamphetamine;

(10) One gram or more of flunitrazepam for the first offense;

(11) Any amount of gamma-hydroxybutyric acid for the first offense; or

(12) More than ten milligrams of fentanyl or carfentanil, or any derivative thereof, or any combination thereof, or any compound, mixture, or substance containing a detectable amount of fentanyl or carfentanil, or their optical isomers or analogues.

2. The offense of trafficking drugs in the first degree is a class B felony.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

3. The offense of trafficking drugs in the first degree is a class A felony if the quantity involved is:
- (1) Ninety grams or more of a mixture or substance containing a detectable amount of heroin; or
 - (2) Four hundred fifty grams or more of a mixture or substance containing a detectable amount of coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts and their optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound, mixture, or preparation which contains any quantity of any of the foregoing substances; or
 - (3) Twenty-four grams or more of a mixture or substance described in subdivision (2) of this subsection which contains cocaine base; or
 - (4) One gram or more of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD); or
 - (5) Ninety grams or more of a mixture or substance containing a detectable amount of phencyclidine (PCP); or
 - (6) Twelve grams or more of phencyclidine; or
 - (7) One hundred kilograms or more of a mixture or substance containing marijuana; or
 - (8) Ninety grams or more of any material, compound, mixture, or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers; methamphetamine, its salts, optical isomers and salts of its optical isomers; phenmetrazine and its salts; or methylphenidate; or
 - (9) More than thirty grams of any material, compound, mixture, or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers, and salts of its optical isomers; methamphetamine, its salts, optical isomers, and salts of its optical isomers; phenmetrazine and its salts; or methylphenidate, and the location of the offense was within two thousand feet of real property comprising a public or private elementary, vocational, or secondary school, college, community college, university, or any school bus, in or on the real property comprising public housing or any other governmental assisted housing, or within a motor vehicle, or in any structure or building which contains rooms furnished for the accommodation or lodging of guests, and kept, used, maintained, advertised, or held out to the public as a place where sleeping accommodations are sought for pay or compensation to transient guests or permanent guests; or
 - (10) Ninety grams or more of any material, compound, mixture or preparation which contains any quantity of 3,4-methylenedioxymethamphetamine; or
 - (11) More than thirty grams of any material, compound, mixture, or preparation which contains any quantity of 3,4-methylenedioxymethamphetamine and the location of the offense was within two thousand feet of real property comprising a public or private elementary, vocational, or secondary school, college, community college, university, or any school bus, in or on the real property comprising public housing or any other governmental assisted housing, within a motor vehicle, or in any structure or building which contains rooms furnished for the accommodation or lodging of guests, and kept, used, maintained, advertised, or held out to the public as a place where sleeping accommodations are sought for pay or compensation to transient guests or permanent guests; or
 - (12) **One gram or more of flunitrazepam for a second or subsequent offense; or**
 - (13) **Any amount of gamma-hydroxybutyric acid for a second or subsequent offense; or**
 - (14) **Twenty milligrams or more of fentanyl or carfentanil, or any derivative thereof, or any combination thereof, or any compound, mixture, or substance containing a detectable amount of fentanyl or carfentanil, or their optical isomers or analogues.**

579.068. TRAFFICKING DRUGS, SECOND DEGREE — PENALTY. — 1. A person commits the offense of trafficking drugs in the second degree if, except as authorized by this chapter or chapter 195,

such person knowingly possesses or has under his or her control, purchases or attempts to purchase, or brings into this state:

(1) More than thirty grams ~~[but less than ninety grams]~~ of a mixture or substance containing a detectable amount of heroin;

(2) More than one hundred fifty grams ~~[but less than four hundred fifty grams]~~ of a mixture or substance containing a detectable amount of coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts and their optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound, mixture, or preparation which contains any quantity of any of the foregoing substances;

(3) More than eight grams ~~[but less than twenty-four grams]~~ of a mixture or substance described in subdivision (2) of this subsection which contains cocaine base;

(4) More than five hundred milligrams ~~[but less than one gram]~~ of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD);

(5) More than thirty grams ~~[but less than ninety grams]~~ of a mixture or substance containing a detectable amount of phencyclidine (PCP);

(6) More than four grams ~~[but less than twelve grams]~~ of phencyclidine;

(7) More than thirty kilograms ~~[but less than one hundred kilograms]~~ of a mixture or substance containing marijuana;

(8) More than thirty grams ~~[but less than ninety grams]~~ of any material, compound, mixture, or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers; methamphetamine, its salts, optical isomers and salts of its optical isomers; phenmetrazine and its salts; or methylphenidate; ~~or~~

(9) More than thirty grams ~~[but less than ninety grams]~~ of any material, compound, mixture, or preparation which contains any quantity of 3,4-methylenedioxymethamphetamine; **or**

(10) More than ten milligrams of fentanyl or carfentanil, or any derivative thereof, or any combination thereof, or any compound, mixture, or substance containing a detectable amount of fentanyl or carfentanil, or their optical isomers or analogues.

2. The offense of trafficking drugs in the second degree is a class C felony.

3. The offense of trafficking drugs in the second degree is a class B felony if the quantity involved is:

(1) Ninety grams or more of a mixture or substance containing a detectable amount of heroin; or

(2) Four hundred fifty grams or more of a mixture or substance containing a detectable amount of coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts and their optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound, mixture, or preparation which contains any quantity of any of the foregoing substances; or

(3) Twenty-four grams or more of a mixture or substance described in subdivision (2) of this subsection which contains cocaine base; or

(4) One gram or more of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD); or

(5) Ninety grams or more of a mixture or substance containing a detectable amount of phencyclidine (PCP); or

(6) Twelve grams or more of phencyclidine; or

(7) One hundred kilograms or more of a mixture or substance containing marijuana; or

(8) More than five hundred marijuana plants; or

(9) Ninety grams or more but less than four hundred fifty grams of any material, compound, mixture, or preparation containing any quantity of the following substances having a stimulant effect on

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Matter in bold-face type is proposed language.

the central nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers; methamphetamine, its salts, optical isomers and salts of its optical isomers; phenmetrazine and its salts; or methylphenidate; or

(10) Ninety grams or more but less than four hundred fifty grams of any material, compound, mixture, or preparation which contains any quantity of 3,4-methylenedioxymethamphetamine; or

(11) Twenty milligrams or more of fentanyl or carfentanil, or any derivative thereof, or any combination thereof, or any compound, mixture, or substance containing a detectable amount of fentanyl or carfentanil, or their optical isomers or analogues.

4. The offense of trafficking drugs in the second degree is a class A felony if the quantity involved is four hundred fifty grams or more of any material, compound, mixture or preparation which contains:

(1) Any quantity of the following substances having a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers; methamphetamine, its salts, isomers and salts of its isomers; phenmetrazine and its salts; or methylphenidate; or

(2) Any quantity of 3,4-methylenedioxymethamphetamine.

5. The offense of drug trafficking in the second degree is a class C felony for the first offense and a class B felony for any second or subsequent offense for the trafficking of less than one gram of flunitrazepam.

SECTION B. EMERGENCY CLAUSE. — Because immediate action is necessary to ensure that all owners, officers, managers, contractors, employees, and other support staff of medical marijuana facilities be subjected to state and federal fingerprint-based criminal background checks to insure the integrity of the Missouri medical marijuana industry, the enactment of section 195.815 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and the enactment of section 195.815 of this act is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 195.815 of this act shall be in full force and effect on July 1, 2020, or upon its passage and approval, whichever occurs later.

Approved July 13, 2020

SS #3 SCS HB 1963

Enacts provisions relating to transportation, with existing penalty provisions and a delayed effective date for a certain section.

AN ACT to repeal sections 32.300, 143.441, 144.070, 144.805, 227.600, 300.010, 301.010, 301.030, 301.032, 301.140, 301.190, 301.193, 301.210, 301.213, 301.280, 301.560, 301.564, 301.3174, 302.020, 302.170, 302.181, 302.720, 303.026, 303.200, 304.170, 304.172, 304.180, 306.127, 307.015, 407.815, 407.1025, 407.1329, and 577.001 RSMo, and to enact in lieu thereof fifty-two new sections relating to transportation, with existing penalty provisions and a delayed effective date for a certain section.

SECTION

A	Enacting clause.
32.300	Internet motor vehicle license renewal system for certain counties — remote driver's license renewal system, requirements — highway sign recognition test and vision test not required, when.
143.441	Corporation defined — corporate tax inapplicable, when.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

144.070	Purchase or lease of motor vehicles, trailers, boats and outboard motors, tax on — official certificate issued — application to act as leasing company, requirements — operation as registered fleet owner, when — motor vehicle dealers, application to collect and remit tax.
144.805	Aviation jet fuel exempt from all sales and use tax, when — qualification, procedure — common carrier to make direct payment to revenue — tax revenues to be deposited in aviation trust fund — expires when.
217.850	Correctional center, unlawful use of unmanned aircraft over, offense of — permissible acts — violation, penalty — signage to be posted.
227.476	Bill Grigsby Memorial Highway designated for portion of State Highway 9 in Platte County.
227.600	Citation of law — definitions — tube transport system, power of eminent domain inapplicable, no use of state road fund — sunset provision.
227.803	Police Officer Christopher Ryan Morton Memorial Highway designated for a portion of State Highway 7 in City of Clinton.
227.804	Police Officer Gary Lee Michael, Jr. Memorial Highway designated for portion of State Highway 13 in City of Clinton.
300.010	Definitions.
301.010	Definitions.
301.030	Motor vehicle registration periods — commercial plates, requirements — proration authorized for larger commercial vehicles.
301.032	Fleet vehicle registration, director to establish system — procedures — special license plates — exempt from inspection requirements, when — leasing company may operate as registered fleet owner, when, requirements — rulemaking authority.
301.140	Plates removed on transfer or sale of vehicles — use by purchaser — reregistration — use of dealer plates — temporary permits, fees — credit, when — additional temporary license plate may be purchased, when — salvage vehicles, temporary permits — rulemaking authority.
301.190	Certificate of registration — application, contents — special requirements, certain vehicles — fees — failure to obtain within time limit, delinquency penalty — duration of certificate — unlawful to operate without certificate — certain vehicles brought into state in a wrecked or damaged condition or after being towed, inspection — certain vehicles previously registered in other states, designation — reconstructed motor vehicles, procedure.
301.193	Abandoned property, titling of, privately owned real estate, procedure — salvage or junking certificate authorized, when — watercraft titled through claims adjustment process, certificate of title authorized, when.
301.210	Sale and transfer of vehicles, procedure — assignment of certificate — new certificate — notice of sale to nonresident — director of revenue to keep file — motor vehicle dealer, certificate of ownership requirements.
301.213	Dealers may purchase or accept in trade vehicles subject to existing liens, when — sale of vehicles subject to lien, when — replacement certificate, when — liability, when — violation, penalty.
301.280	Dealers and garage keepers, sales report required — unclaimed vehicle report required, contents — alteration of vehicle identification number, effect — false statement, penalty.
301.560	Application requirements, additional — bonds, fees — fund — license number, certificate of numbers — duplicate dealer plates, issues, fees — test driving motor vehicles and vessels, use of plates — proof of educational seminar required, exceptions, contents of seminar.
301.564	Inspection of certain documents and odometer readings in possession of dealers, manufacturers and auctions — law enforcement official, defined.
301.576	Third-party motor vehicle reports — immunity from liability, when — inapplicability, when.
301.3069	Central Missouri Honor Flight special license plate — application, procedure, fee.
301.3159	Meritorious Service special license plate — application, procedure, fee.
301.3174	Association of Missouri Electric Cooperatives special license plate, application, fee.
301.3176	BackStoppers special license plate — application, procedure, fee — rulemaking authority.

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302.020	Operation of motor vehicle without proper license prohibited, penalty — motorcycles — special license — protective headgear, failure to wear, fine, amount — no points to be assessed.
302.026	Motorcycle operators twenty-six years of age or older, no protective headgear required, when — proof of insurance coverage required.
302.170	Federal REAL ID Act, compliance with — definitions — retention of documents — inapplicability, when — issuance of compliant licenses and ID cards, procedure — biometric data restrictions — privacy — violations, civil damages and criminal penalties — data retention.
302.181	Form of license — information shown — digital image required, exception — temporary license — nondriver's license, fee, duration — exception — digital driver's license program, requirements — rulemaking authority.
302.205	Medical alert notation on driver's license or nondriver's identification card, when — procedure — rulemaking authority.
302.720	Operation without license prohibited, exceptions — instruction permit, use, duration, fee — license, test required, contents, fee — certification of third-party testers — certain persons prohibited from obtaining license, exceptions — testing accommodations for applicants with disabilities, rules, null and void when.
302.723	Deaf and hard of hearing, accommodations for training and application process — null and void, when.
303.026	Director to notify owners who register vehicles, contents — affidavit certifying financial responsibility required for registration — director may use sampling techniques to verify — insurers required to submit policy information to director, format, use, disclosure — violations by insurer, penalty — notice to owner, when.
303.200	Missouri automobile insurance plan for persons unable to procure insurance by ordinary means — approval, participation by companies — function — plan of operation — liability limitations.
304.170	Regulations as to width, height and length of vehicles — inapplicability, when — implements of husbandry defined — sludge disposal units.
304.172	Fire-fighting equipment exempt from size restrictions.
304.180	Regulations as to weight — axle load, tandem axle defined — transport of specific items, total gross weight permitted — requirements during disasters — emergency vehicles, maximum gross weight — natural gas fueled vehicles, increase in maximum gross weight, when.
305.800	Definitions.
305.802	Derelict or abandoned aircraft discovered, airport superintendent duties — notification of owner.
305.804	Failure to remove, airport superintendent's authority — sale or disposal of aircraft, requirements — liability of owner for costs.
305.806	Lien on aircraft — perfection of lien requirements.
305.808	Sale of aircraft, use of proceeds — return to owner, when.
305.810	Divesting of owner's legal or equitable interests in aircraft.
306.127	Boating safety identification card required, when, requirements, fee — inapplicable, when — temporary boater safety identification card issued, when, rules, fee authorized, expiration date.
307.015	Mud flaps required, certain motor vehicles — violation, penalty.
407.815	Definitions.
407.1025	Definitions.
407.1329	Repurchase upon termination of agreement.
577.001	Chapter definitions.
577.800	Unlawful use of unmanned aircraft over open-air facility, offense of — permissible acts — violation, penalty — signage.
632.460	Unlawful use of unmanned aircraft over a mental health hospital, offense of — permissible acts — signage — violation, penalty.

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Matter in bold-face type is proposed language.

B Effective date for certain section.

Be it enacted by the General Assembly of the state of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 32.300, 143.441, 144.070, 144.805, 227.600, 300.010, 301.010, 301.030, 301.032, 301.140, 301.190, 301.193, 301.210, 301.213, 301.280, 301.560, 301.564, 301.3174, 302.020, 302.170, 302.181, 302.720, 303.026, 303.200, 304.170, 304.172, 304.180, 306.127, 307.015, 407.815, 407.1025, 407.1329, and 577.001 RSMo, is repealed and fifty-two new sections enacted in lieu thereof, to be known as sections 32.300, 143.441, 144.070, 144.805, 217.850, 227.476, 227.600, 227.803, 227.804, 300.010, 301.010, 301.030, 301.032, 301.140, 301.190, 301.193, 301.210, 301.213, 301.280, 301.560, 301.564, 301.576, 301.3069, 301.3159, 301.3174, 301.3176, 302.020, 302.026, 302.170, 302.181, 302.205, 302.720, 302.723, 303.026, 303.200, 304.170, 304.172, 304.180, 305.800, 305.802, 305.804, 305.806, 305.808, 305.810, 306.127, 307.015, 407.815, 407.1025, 407.1329, 577.001, 577.800, and 632.460, to read as follows:

32.300. INTERNET MOTOR VEHICLE LICENSE RENEWAL SYSTEM FOR CERTAIN COUNTIES — REMOTE DRIVER'S LICENSE RENEWAL SYSTEM, REQUIREMENTS — HIGHWAY SIGN RECOGNITION TEST AND VISION TEST NOT REQUIRED, WHEN. — **1.** In a county where personal property tax records are accessible via computer, and when proof of motor vehicle liability insurance, safety inspections and emission inspections where required are verifiable by computer, the department of revenue shall design and implement a motor vehicle license renewal system which may be used through the department's internet website connection. ~~[The online license renewal system shall be available no later than January 1, 2002.]~~ The department of revenue shall also design and implement an online system allowing the filing and payment of Missouri state taxes through the department's internet website connection. The online tax filing and payment system shall be available for the payment of Missouri state taxes for tax years beginning on or after January 1, 2002.

2. The department of revenue is hereby authorized to design and implement a remote driver's license renewal system which may be used through the department's internet website connection or through self-service terminals available at one or more locations within the state. Any remote driver's license renewal system implemented by the department shall be compliant with the provisions of the federal REAL ID Act of 2005 (Public Law 108-13), as amended, the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Public Law 99-570), as amended, the USA PATRIOT Act of 2001 (Title X of Public Law 107-56), as amended, and any regulations related thereto.

3. Notwithstanding any provision of law to the contrary, applicants who have applied in person and received a driver's or nondriver's license in accordance with chapter 302 may apply for no more than one consecutive three-year or six-year license renewal remotely in accordance with this section. Remote application for renewal shall be made within six months before or after the expiration date of the license in accordance with section 302.173.

4. Applicants for remote driver's license renewal in accordance with this section shall not be required to complete the highway sign recognition test required under section 302.173 unless the department has technology that may be used remotely for such purpose. Applicants for remote driver's license renewal in accordance with this section shall not be required to complete the vision test established under section 302.175, provided the applicant shall certify under penalty of law that the applicant's vision satisfies the requirements of section 302.175 and that the applicant has undergone an examination of eyesight by a licensed ophthalmologist or a licensed optometrist within the last twelve months. As a condition for renewal in accordance with this section, the applicant shall authorize the exchange of vision and medical information between the department and the applicant's ophthalmologist or optometrist, and shall be at least twenty-one

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years of age but less than fifty years of age. The ophthalmologist or optometrist shall have four business days to confirm or deny the vision and medical information of the applicant. If no response is received by the department, the department shall accept the vision and medical information provided for processing the renewal application.

143.441. CORPORATION DEFINED — CORPORATE TAX INAPPLICABLE, WHEN. — 1. The term "corporation" means every corporation, association, joint stock company and joint stock association organized, authorized or existing under the laws of this state and includes:

(1) Every corporation, association, joint stock company, and joint stock association organized, authorized, or existing under the laws of this state, and every corporation, association, joint stock company, and joint stock association, licensed to do business in this state, or doing business in this state, and not organized, authorized, or existing under the laws of this state, or by any receiver in charge of the property of any such corporation, association, joint stock company or joint stock association;

(2) Every railroad corporation or receiver in charge of the property thereof which operates over rails owned or leased by it and every corporation operating any buslines, trucklines, airlines, or other forms of transportation, **including qualified air freight forwarders**, operating over fixed routes owned, leased, or used by it extending from this state to another state or states. **For purposes of this subdivision, "qualified air freight forwarder" means a taxpayer who meets all of the following requirements:**

(a) **The taxpayer is primarily engaged in the facilitation of the transportation of property by air;**

(b) **The taxpayer does not itself operate the aircraft; and**

(c) **The taxpayer is in the same affiliated group as an airline;**

(3) Every corporation, or receiver in charge of the property thereof, which owns or operates a bridge between this and any other state; and

(4) Every corporation, or receiver in charge of the property thereof, which operates a telephone line or lines extending from this state to another state or states or a telegraph line or lines extending from this state to another state or states.

2. The tax on corporations provided in subsection 1 of section 143.431 and section 143.071 shall not apply to:

(1) A corporation which by reason of its purposes and activities is exempt from federal income tax. The preceding sentence shall not apply to unrelated business taxable income and other income on which chapter 1 of the Internal Revenue Code imposes the federal income tax or any other tax measured by income;

(2) An express company which pays an annual tax on its gross receipts in this state;

(3) An insurance company which is subject to an annual tax on its gross premium receipts in this state;

(4) A Missouri mutual or an extended Missouri mutual insurance company organized under chapter 380; and

(5) Any other corporation that is exempt from Missouri income taxation under the laws of Missouri or the laws of the United States.

144.070. PURCHASE OR LEASE OF MOTOR VEHICLES, TRAILERS, BOATS AND OUTBOARD MOTORS, TAX ON — OFFICIAL CERTIFICATE ISSUED — APPLICATION TO ACT AS LEASING COMPANY, REQUIREMENTS — OPERATION AS REGISTERED FLEET OWNER, WHEN — MOTOR VEHICLE DEALERS, APPLICATION TO COLLECT AND REMIT TAX. — 1. At the time the owner of any new or used motor vehicle, trailer, boat, or outboard motor which was acquired in a transaction subject to sales tax under the Missouri sales tax law makes application to the director of revenue for an official certificate of title and the registration of the motor vehicle, trailer, boat, or outboard motor as

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otherwise provided by law, the owner shall present to the director of revenue evidence satisfactory to the director of revenue showing the purchase price exclusive of any charge incident to the extension of credit paid by or charged to the applicant in the acquisition of the motor vehicle, trailer, boat, or outboard motor, or that no sales tax was incurred in its acquisition, and if sales tax was incurred in its acquisition, the applicant shall pay or cause to be paid to the director of revenue the sales tax provided by the Missouri sales tax law in addition to the registration fees now or hereafter required according to law, and the director of revenue shall not issue a certificate of title for any new or used motor vehicle, trailer, boat, or outboard motor subject to sales tax as provided in the Missouri sales tax law until the tax levied for the sale of the same under sections 144.010 to 144.510 has been paid as provided in this section or is registered under the provisions of subsection 5 of this section.

2. As used in subsection 1 of this section, the term "purchase price" shall mean the total amount of the contract price agreed upon between the seller and the applicant in the acquisition of the motor vehicle, trailer, boat, or outboard motor, regardless of the medium of payment therefor.

3. In the event that the purchase price is unknown or undisclosed, or that the evidence thereof is not satisfactory to the director of revenue, the same shall be fixed by appraisement by the director.

4. The director of the department of revenue shall endorse upon the official certificate of title issued by the director upon such application an entry showing that such sales tax has been paid or that the motor vehicle, trailer, boat, or outboard motor represented by such certificate is exempt from sales tax and state the ground for such exemption.

5. Any person, company, or corporation engaged in the business of renting or leasing motor vehicles, trailers, boats, or outboard motors, which are to be used exclusively for rental or lease purposes, and not for resale, may apply to the director of revenue for authority to operate as a leasing or rental company and pay an annual fee of two hundred fifty dollars for such authority. Any company approved by the director of revenue may pay the tax due on any motor vehicle, trailer, boat, or outboard motor as required in section 144.020 at the time of registration thereof or in lieu thereof may pay a sales tax as provided in sections 144.010, 144.020, 144.070 and 144.440. A sales tax shall be charged to and paid by a leasing company which does not exercise the option of paying in accordance with section 144.020, on the amount charged for each rental or lease agreement while the motor vehicle, trailer, boat, or outboard motor is domiciled in this state. Any motor vehicle, trailer, boat, or outboard motor which is leased as the result of a contract executed in this state shall be presumed to be domiciled in this state.

6. Every applicant to be a ~~[lease or rental company]~~ **registered fleet owner as described in subsections 6 to 10 of section 301.032** shall furnish with the application to operate as a **registered fleet owner** a corporate surety bond or irrevocable letter of credit, as defined in section 400.5-102, issued by any state or federal financial institution in the penal sum of one hundred thousand dollars, on a form approved by the department. The bond or irrevocable letter of credit shall be conditioned upon the ~~[lease or rental company]~~ **registered fleet owner** complying with the provisions of any statutes applicable to ~~[lease or rental companies]~~ **registered fleet owners**, and the bond shall be an indemnity for any loss sustained by reason of the acts of the person bonded when such acts constitute grounds for the suspension or revocation of the ~~[lease or rental]~~ **registered fleet owner** license. The bond shall be executed in the name of the state of Missouri for the benefit of all aggrieved parties or the irrevocable letter of credit shall name the state of Missouri as the beneficiary; except that, the aggregate liability of the surety or financial institution to the aggrieved parties shall, in no event, exceed the amount of the bond or irrevocable letter of credit. The proceeds of the bond or irrevocable letter of credit shall be paid upon receipt by the department of a final judgment from a Missouri court of competent jurisdiction against the principal and in favor of an aggrieved party.

7. Any corporation may have one or more of its divisions separately apply to the director of revenue for authorization to operate as a leasing company, provided that the corporation:

(1) Has filed a written consent with the director authorizing any of its divisions to apply for such authority;

- (2) Is authorized to do business in Missouri;
- (3) Has agreed to treat any sale of a motor vehicle, trailer, boat, or outboard motor from one of its divisions to another of its divisions as a sale at retail;
- (4) Has registered under the fictitious name provisions of sections 417.200 to 417.230 each of its divisions doing business in Missouri as a leasing company; and
- (5) Operates each of its divisions on a basis separate from each of its other divisions. However, when the transfer of a motor vehicle, trailer, boat or outboard motor occurs within a corporation which holds a license to operate as a motor vehicle or boat dealer pursuant to sections 301.550 to 301.573 the provisions in subdivision (3) of this subsection shall not apply.

8. If the owner of any motor vehicle, trailer, boat, or outboard motor desires to charge and collect sales tax as provided in this section, the owner shall make application to the director of revenue for a permit to operate as a motor vehicle, trailer, boat, or outboard motor leasing company. The director of revenue shall promulgate rules and regulations determining the qualifications of such a company, and the method of collection and reporting of sales tax charged and collected. Such regulations shall apply only to owners of motor vehicles, trailers, boats, or outboard motors, electing to qualify as motor vehicle, trailer, boat, or outboard motor leasing companies under the provisions of subsection 5 of this section, and no motor vehicle renting or leasing, trailer renting or leasing, or boat or outboard motor renting or leasing company can come under sections 144.010, 144.020, 144.070 and 144.440 unless all motor vehicles, trailers, boats, and outboard motors held for renting and leasing are included.

9. Any person, company, or corporation engaged in the business of renting or leasing three thousand five hundred or more motor vehicles which are to be used exclusively for rental or leasing purposes and not for resale, and that has applied to the director of revenue for authority to operate as a leasing company may also operate as a registered fleet owner as prescribed in section 301.032.

10. Beginning July 1, 2010, any motor vehicle dealer licensed under section 301.560 engaged in the business of selling motor vehicles or trailers may apply to the director of revenue for authority to collect and remit the sales tax required under this section on all motor vehicles sold by the motor vehicle dealer. A motor vehicle dealer receiving authority to collect and remit the tax is subject to all provisions under sections 144.010 to 144.525. Any motor vehicle dealer authorized to collect and remit sales taxes on motor vehicles under this subsection shall be entitled to deduct and retain an amount equal to two percent of the motor vehicle sales tax pursuant to section 144.140. Any amount of the tax collected under this subsection that is retained by a motor vehicle dealer pursuant to section 144.140 shall not constitute state revenue. In no event shall revenues from the general revenue fund or any other state fund be utilized to compensate motor vehicle dealers for their role in collecting and remitting sales taxes on motor vehicles. In the event this subsection or any portion thereof is held to violate Article IV, Section 30(b) of the Missouri Constitution, no motor vehicle dealer shall be authorized to collect and remit sales taxes on motor vehicles under this section. No motor vehicle dealer shall seek compensation from the state of Missouri or its agencies if a court of competent jurisdiction declares that the retention of two percent of the motor vehicle sales tax is unconstitutional and orders the return of such revenues.

144.805. AVIATION JET FUEL EXEMPT FROM ALL SALES AND USE TAX, WHEN — QUALIFICATION, PROCEDURE — COMMON CARRIER TO MAKE DIRECT PAYMENT TO REVENUE — TAX REVENUES TO BE DEPOSITED IN AVIATION TRUST FUND — EXPIRES WHEN. — 1. In addition to the exemptions granted pursuant to the provisions of section 144.030, there shall also be specifically exempted from the provisions of sections 144.010 to 144.525, sections 144.600 to 144.746, and section 238.235, and the provisions of any local sales tax law, as defined in section 32.085, and from the computation of the tax levied, assessed or payable pursuant to sections 144.010 to 144.525, sections 144.600 to 144.746, and section 238.235, and the provisions of any local sales tax law, as defined in section 32.085, all sales of aviation jet fuel in a given calendar year to common carriers engaged in the interstate air transportation of passengers and cargo, and the storage, use and

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consumption of such aviation jet fuel by such common carriers, if such common carrier has first paid to the state of Missouri, in accordance with the provisions of this chapter, state sales and use taxes pursuant to the foregoing provisions and applicable to the purchase, storage, use or consumption of such aviation jet fuel in a maximum and aggregate amount of one million five hundred thousand dollars of state sales and use taxes in such calendar year.

2. To qualify for the exemption prescribed in subsection 1 of this section, the common carrier shall furnish to the seller a certificate in writing to the effect that an exemption pursuant to this section is applicable to the aviation jet fuel so purchased, stored, used and consumed. The director of revenue shall permit any such common carrier to enter into a direct-pay agreement with the department of revenue, pursuant to which such common carrier may pay directly to the department of revenue any applicable sales and use taxes on such aviation jet fuel up to the maximum aggregate amount of one million five hundred thousand dollars in each calendar year. The director of revenue shall adopt appropriate rules and regulations to implement the provisions of this section, and to permit appropriate claims for refunds of any excess sales and use taxes collected in calendar year 1993 or any subsequent year with respect to any such common carrier and aviation jet fuel.

3. The provisions of this section shall apply to all purchases and deliveries of aviation jet fuel from and after May 10, 1993.

4. All sales and use tax revenues upon aviation jet fuel received pursuant to this chapter, less the amounts specifically designated pursuant to the constitution or pursuant to section 144.701 for other purposes, shall be deposited to the credit of the aviation trust fund established pursuant to section 155.090; provided however, the amount of such state sales and use tax revenues deposited to the credit of such aviation trust fund shall not exceed ten million dollars in each calendar year.

5. The provisions of this section and section 144.807 shall expire on December 31, ~~2023~~ 2033.

217.850. CORRECTIONAL CENTER, UNLAWFUL USE OF UNMANNED AIRCRAFT OVER, OFFENSE OF — PERMISSIBLE ACTS — VIOLATION, PENALTY — SIGNAGE TO BE POSTED. — 1. A person commits the offense of unlawful use of unmanned aircraft over a correctional center if he or she purposely:

(1) Operates an unmanned aircraft within a vertical distance of four hundred feet over a correctional center's secure perimeter fence; or

(2) Allows an unmanned aircraft to make contact with a correctional center, including any person or object on the premises of or within the facility.

2. For purposes of this section, "correctional center" shall include:

(1) Any correctional center as defined in section 217.010;

(2) Any private jail as defined in section 221.095; and

(3) Any county or municipal jail.

3. The provisions of this section shall not prohibit the operation of an unmanned aircraft by:

(1) An employee of the correctional center at the direction of the chief administrative officer of the facility;

(2) A person who has written consent from the chief administrative officer of the facility;

(3) An employee of a law enforcement agency, fire department, or emergency medical service in the exercise of official duties;

(4) A government official or employee in the exercise of official duties;

(5) A public utility or a rural electric cooperative if:

(a) The unmanned aircraft is used for the purpose of inspecting, repairing, or maintaining utility transmission or distribution lines or other utility equipment or infrastructure;

(b) The utility notifies the correctional center before flying the unmanned aircraft, except during an emergency; and

(c) The person operating the unmanned aircraft does not physically enter the prohibited space without an escort provided by the correctional center;

(6) An employee of a railroad in the exercise of official duties on any land owned or operated by a railroad corporation regulated by the Federal Railroad Administration; or

(7) A person operating an unmanned aircraft pursuant to and in compliance with any waiver issued by the Federal Aviation Authority under 14 C.F.R. Section 107.200.

4. The offense of unlawful use of unmanned aircraft over a correctional center shall be punishable as an infraction unless the person uses an unmanned aircraft for the purpose of:

(1) Delivering a gun, knife, weapon, or other article that may be used in such manner to endanger the life of an offender or correctional center employee, in which case the offense is a class B felony;

(2) Facilitating an escape from confinement under section 575.210, in which case the offense is a class C felony; or

(3) Delivering a controlled substance, as that term is defined under section 195.010, in which case the offense is a class D felony.

5. Each correctional center shall post a sign warning of the provisions of this section. The sign shall be at least eleven inches by fourteen inches and posted in a conspicuous place.

227.476. BILL GRIGSBY MEMORIAL HIGHWAY DESIGNATED FOR PORTION OF STATE HIGHWAY 9 IN PLATTE COUNTY. — The portion of State Highway 9 from Nodaway Street to Park College Entrance Drive in Platte County shall be designated as "Bill Grigsby Memorial Highway". The department of transportation shall erect and maintain appropriate signs designating such highway, with the costs to be paid by private donations.

227.600. CITATION OF LAW — DEFINITIONS — TUBE TRANSPORT SYSTEM, POWER OF EMINENT DOMAIN INAPPLICABLE, NO USE OF STATE ROAD FUND — SUNSET PROVISION. — 1. Sections 227.600 to 227.669 shall be known and may be cited as the "Missouri Public-Private Partnerships Transportation Act".

2. As used in sections 227.600 to 227.669, unless the context clearly requires otherwise, the following terms mean:

(1) "Commission", the Missouri highways and transportation commission;

(2) "Comprehensive agreement", the final binding written comprehensive project agreement between a private partner and the commission required in section 227.621 to finance, develop, and/or operate the project;

(3) "Department", the Missouri department of transportation;

(4) "Develop" or "development", to plan, locate, relocate, establish, acquire, lease, design, or construct;

(5) "Finance", to fund the costs, expenses, liabilities, fees, profits, and all other charges incurred to finance, develop, and/or operate the project;

(6) "Interim agreement", a preliminary binding written agreement between a private partner and the commission that provides for completion of studies and any other activities to advance the financing, development, and/or operation of the project required by section 227.618;

(7) "Material default", any uncured default by a private partner in the performance of its duties that jeopardizes adequate service to the public from the project as determined by the commission;

(8) "Operate" or "operation", to improve, maintain, equip, modify, repair, administer, or collect user fees;

(9) "Private partner", any natural person, corporation, partnership, limited liability company, joint venture, business trust, nonprofit entity, other business entity, or any combination thereof;

(10) "Project", exclusively includes any pipeline, ferry, port facility, water facility, water way, water supply facility or pipeline, stormwater facility or system, wastewater system or treatment facility, public building, airport, railroad, light rail, vehicle parking facility, mass transit facility, **tube transport system**, or other similar facility currently available or to be made available to a government entity for public use, including any structure, parking area, appurtenance and other property required to operate the structure or facility to be financed, developed, and/or operated under agreement between the commission and a private partner. The commission or private partner shall not have the authority to collect user fees in connection with the project from motor carriers as defined in section 227.630. Project shall not include any highway, interstate or bridge construction, or any rest area, rest stop, or truck parking facility connected to an interstate or other highway under the authority of the commission. Any project not specifically included in this subdivision shall not be financed, developed, or operated by a private partner until such project is approved by a vote of the people;

(11) "Public use", a finding by the commission that the project to be financed, developed, and/or operated by a private partner under sections 227.600 to 227.669 will improve or is needed as a necessary addition to the state transportation system;

(12) "Revenues", include but are not limited to the following which arise out of or in connection with the financing, development, and/or operation of the project:

- (a) Income;
 - (b) Earnings;
 - (c) Proceeds;
 - (d) User fees;
 - (e) Lease payments;
 - (f) Allocations;
 - (g) Federal, state, and local moneys; or
 - (h) Private sector moneys, grants, bond proceeds, and/or equity investments;
- (13) "State", the state of Missouri;

(14) "State highway system", the state system of highways and bridges planned, located, relocated, established, acquired, constructed, and maintained by the commission under Section 30(b), Article IV, Constitution of Missouri;

(15) "State transportation system", the state system of nonhighway transportation programs, including but not limited to aviation, transit and mass transportation, railroads, ports, waterborne commerce, freight and intermodal connections;

(16) **"Tube transport system", a high-speed transportation system, including infrastructure and facilities, in which pressurized pods containing passengers or freight ride or coast upon a cushion of air through magnetic levitation within a reduced-pressure or vacuum tube, propelled by electric power;**

(17) "User fees", tolls, fees, or other charges authorized to be imposed by the commission and collected by the private partner for the use of all or a portion of a project under a comprehensive agreement.

3. Notwithstanding any provision of law to the contrary, the power of eminent domain shall not apply to the tube transport system.

4. Notwithstanding any provision of law to the contrary, no funds from the state road fund established under section 30(b) of article IV of the Missouri constitution shall be used for the financing, development, or operation of a tube transport system.

5. Under section 23.253 of the Missouri sunset act:

(1) The provisions authorizing the financing, development, or operation of a tube transport system under this section shall automatically sunset on August 28, 2025, unless reauthorized by an act of the general assembly; and

(2) If the tube transport system is reauthorized, the authority under this section to finance, develop, or operate the tube transport system shall automatically sunset five years after the effective date of the reauthorization of this section; and

(3) The provisions of this section authorizing the financing, development, or operation of a tube transport system shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset.

6. Under no circumstances shall a public right-of-way necessary for the expansion of Interstate 70 be materially impeded by or transferred to a public-private partnership for the purpose of constructing a tube transport system.

227.803. POLICE OFFICER CHRISTOPHER RYAN MORTON MEMORIAL HIGHWAY DESIGNATED FOR A PORTION OF STATE HIGHWAY 7 IN CITY OF CLINTON. — The portion of State Highway 7 from County Road 221 West continuing to Calverd Drive in the city of Clinton in Henry County shall be designated as "Police Officer Christopher Ryan Morton Memorial Highway". The department shall erect and maintain appropriate signs designating such highway with the costs to be paid for by private donations.

227.804. POLICE OFFICER GARY LEE MICHAEL, JR. MEMORIAL HIGHWAY DESIGNATED FOR PORTION OF STATE HIGHWAY 13 IN CITY OF CLINTON. — The portion of State Highway 13 from State Highway 52 West continuing to Calverd Drive in the city of Clinton in Henry County shall be designated as "Police Officer Gary Lee Michael, Jr. Memorial Highway". The department shall erect and maintain appropriate signs designating such highway with the costs to be paid for by private donations.

300.010. DEFINITIONS. — The following words and phrases when used in this ordinance mean:

- (1) "Alley" or "alleyway", any street with a roadway of less than twenty feet in width;
- (2) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively for off-highway use ~~[which is fifty inches or less in width]~~, with an unladen dry weight of ~~[six]~~ **one thousand five hundred pounds** or less, traveling on three, four or more ~~[low-pressure]~~ **nonhighway** tires, with either:
 - (a) A seat designed to be straddled by the operator, and handlebars for steering control; or
 - (b) **A width of fifty inches or less, measured from outside of tire rim to outside of tire rim, regardless of seating or steering arrangement;**
- (3) "Authorized emergency vehicle", a vehicle publicly owned and operated as an ambulance, or a vehicle publicly owned and operated by the state highway patrol, police or fire department, sheriff or constable or deputy sheriff, traffic officer or any privately owned vehicle operated as an ambulance when responding to emergency calls;
- (4) "Business district", the territory contiguous to and including a highway when within any six hundred feet along the highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, or office buildings, railroad stations and public buildings which occupy at least three hundred feet of frontage on one side or three hundred feet collectively on both sides of the highway;
- (5) "Central business (or traffic) district", all streets and portions of streets within the area described by city ordinance as such;
- (6) "Commercial vehicle", every vehicle designed, maintained, or used primarily for the transportation of property;
- (7) "Controlled access highway", every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except

at such points only and in such manner as may be determined by the public authority having jurisdiction over the highway, street or roadway;

(8) "Crosswalk",

(a) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or in the absence of curbs from the edges of the traversable roadway;

(b) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface;

(9) "Curb loading zone", a space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials;

(10) "Driver", every person who drives or is in actual physical control of a vehicle;

(11) "Freight curb loading zone", a space adjacent to a curb for the exclusive use of vehicles during the loading or unloading of freight (or passengers);

(12) "Highway", the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel;

(13) "Intersection",

(a) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict;

(b) Where a highway includes two roadways thirty feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways thirty feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection;

(14) "Laned roadway", a roadway which is divided into two or more clearly marked lanes for vehicular traffic;

(15) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks, except farm tractors and motorized bicycles;

(16) "Motorcycle", every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor;

(17) "Motorized bicycle", any two-wheeled or three-wheeled device having an automatic transmission and a motor with a cylinder capacity of not more than fifty cubic centimeters, which produces less than three gross brake horsepower, and is capable of propelling the device at a maximum speed of not more than thirty miles per hour on level ground;

(18) "Official time standard", whenever certain hours are named herein they shall mean standard time or daylight-saving time as may be in current use in the city;

(19) "Official traffic control devices", all signs, signals, markings and devices not inconsistent with this ordinance placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic;

(20) "Park" or "parking", the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers;

(21) "Passenger curb loading zone", a place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers;

(22) "Pedestrian", any person afoot;

(23) "Person", every natural person, firm, copartnership, association or corporation;

(24) "Police officer", every officer of the municipal police department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations;

(25) "Private road" or "driveway", every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons;

(26) "Railroad", a carrier of persons or property upon cars, other than streetcars, operated upon stationary rails;

(27) "Railroad train", a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except streetcars;

(28) "Residence district", the territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of three hundred feet or more is in the main improved with residences or residences and buildings in use for business;

(29) "Right-of-way", the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other;

(30) "Roadway", that portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively;

(31) "Safety zone", the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone;

(32) "Sidewalk", that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use of pedestrians;

(33) "Stand" or "standing", the halting of a vehicle, whether occupied or not, otherwise than for the purpose of and while actually engaged in receiving or discharging passengers;

(34) "Stop", when required, complete cessation from movement;

(35) "Stop" or "stopping", when prohibited, any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign or signal;

(36) "Street" or "highway", the entire width between the lines of every way publicly maintained when any part thereof is open to the uses of the public for purposes of vehicular travel. "State highway", a highway maintained by the state of Missouri as a part of the state highway system;

(37) "Through highway", every highway or portion thereof on which vehicular traffic is given preferential rights-of-way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield rights-of-way to vehicles on such through highway in obedience to either a stop sign or a yield sign, when such signs are erected as provided in this ordinance;

(38) "Traffic", pedestrians, ridden or herded animals, vehicles, streetcars and other conveyances either singly or together while using any highway for purposes of travel;

(39) "Traffic control signal", any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed;

(40) "Traffic division", the traffic division of the police department of the city, or in the event a traffic division is not established, then said term whenever used herein shall be deemed to refer to the police department of the city;

(41) "Vehicle", any mechanical device on wheels, designed primarily for use, or used, on highways, except motorized bicycles, vehicles propelled or drawn by horses or human power, or vehicles used exclusively on fixed rails or tracks, cotton trailers or motorized wheelchairs operated by handicapped persons.

301.010. DEFINITIONS. — As used in this chapter and sections 304.010 to 304.040, 304.120 to 304.260, and sections 307.010 to 307.175, the following terms mean:

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

(1) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively for off-highway use ~~[which is fifty inches or less in width]~~, with an unladen dry weight of one thousand five hundred pounds or less, traveling on three, four or more nonhighway tires, **with either:**

(a) A seat designed to be straddled by the operator, and handlebars for steering control; or

(b) A width of fifty inches or less, measured from outside of tire rim to outside of tire rim, regardless of seating or steering arrangement;

(2) "Autocycle", a three-wheeled motor vehicle which the drivers and passengers ride in a partially or completely enclosed nonstraddle seating area, that is designed to be controlled with a steering wheel and pedals, and that has met applicable Department of Transportation National Highway Traffic Safety Administration requirements or federal motorcycle safety standards;

(3) "Automobile transporter", any vehicle combination capable of carrying cargo on the power unit and designed and used for the transport of assembled motor vehicles, including truck camper units;

(4) "Axle load", the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes forty inches apart, extending across the full width of the vehicle;

(5) "Backhaul", the return trip of a vehicle transporting cargo or general freight, especially when carrying goods back over all or part of the same route;

(6) "Boat transporter", any vehicle combination capable of carrying cargo on the power unit and designed and used specifically to transport assembled boats and boat hulls. Boats may be partially disassembled to facilitate transporting;

(7) "Body shop", a business that repairs physical damage on motor vehicles that are not owned by the shop or its officers or employees by mending, straightening, replacing body parts, or painting;

(8) "Bus", a motor vehicle primarily for the transportation of a driver and eight or more passengers but not including shuttle buses;

(9) "Commercial motor vehicle", a motor vehicle designed or regularly used for carrying freight and merchandise, or more than eight passengers but not including vanpools or shuttle buses;

(10) "Cotton trailer", a trailer designed and used exclusively for transporting cotton at speeds less than forty miles per hour from field to field or from field to market and return;

(11) "Dealer", any person, firm, corporation, association, agent or subagent engaged in the sale or exchange of new, used or reconstructed motor vehicles or trailers;

(12) "Director" or "director of revenue", the director of the department of revenue;

(13) "Driveaway operation":

(a) The movement of a motor vehicle or trailer by any person or motor carrier other than a dealer over any public highway, under its own power singly, or in a fixed combination of two or more vehicles, for the purpose of delivery for sale or for delivery either before or after sale;

(b) The movement of any vehicle or vehicles, not owned by the transporter, constituting the commodity being transported, by a person engaged in the business of furnishing drivers and operators for the purpose of transporting vehicles in transit from one place to another by the driveaway or towaway methods; or

(c) The movement of a motor vehicle by any person who is lawfully engaged in the business of transporting or delivering vehicles that are not the person's own and vehicles of a type otherwise required to be registered, by the driveaway or towaway methods, from a point of manufacture, assembly or distribution or from the owner of the vehicles to a dealer or sales agent of a manufacturer or to any consignee designated by the shipper or consignor;

(14) "Dromedary", a box, deck, or plate mounted behind the cab and forward of the fifth wheel on the frame of the power unit of a truck tractor-semitrailer combination. A truck tractor equipped with a dromedary may carry part of a load when operating independently or in a combination with a semitrailer;

(15) "Farm tractor", a tractor used exclusively for agricultural purposes;

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Matter in bold-face type is proposed language.

- (16) "Fleet", any group of ten or more motor vehicles owned by the same owner;
- (17) "Fleet vehicle", a motor vehicle which is included as part of a fleet;
- (18) "Fullmount", a vehicle mounted completely on the frame of either the first or last vehicle in a saddlemount combination;
- (19) "Gross weight", the weight of vehicle and/or vehicle combination without load, plus the weight of any load thereon;
- (20) "Hail-damaged vehicle", any vehicle, the body of which has become dented as the result of the impact of hail;
- (21) "Highway", any public thoroughfare for vehicles, including state roads, county roads and public streets, avenues, boulevards, parkways or alleys in any municipality;
- (22) "Improved highway", a highway which has been paved with gravel, macadam, concrete, brick or asphalt, or surfaced in such a manner that it shall have a hard, smooth surface;
- (23) "Intersecting highway", any highway which joins another, whether or not it crosses the same;
- (24) "Junk vehicle", a vehicle which:
 - (a) Is incapable of operation or use upon the highways and has no resale value except as a source of parts or scrap; or
 - (b) Has been designated as junk or a substantially equivalent designation by this state or any other state;
- (25) "Kit vehicle", a motor vehicle assembled by a person other than a generally recognized manufacturer of motor vehicles by the use of a glider kit or replica purchased from an authorized manufacturer and accompanied by a manufacturer's statement of origin;
- (26) "Land improvement contractors' commercial motor vehicle", any not-for-hire commercial motor vehicle the operation of which is confined to:
 - (a) An area that extends not more than a radius of one hundred miles from its home base of operations when transporting its owner's machinery, equipment, or auxiliary supplies to or from projects involving soil and water conservation, or to and from equipment dealers' maintenance facilities for maintenance purposes; or
 - (b) An area that extends not more than a radius of fifty miles from its home base of operations when transporting its owner's machinery, equipment, or auxiliary supplies to or from projects not involving soil and water conservation.

Nothing in this subdivision shall be construed to prevent any motor vehicle from being registered as a commercial motor vehicle or local commercial motor vehicle;

- (27) "Local commercial motor vehicle", a commercial motor vehicle whose operations are confined to a municipality and that area extending not more than fifty miles therefrom, or a commercial motor vehicle whose property-carrying operations are confined solely to the transportation of property owned by any person who is the owner or operator of such vehicle to or from a farm owned by such person or under the person's control by virtue of a landlord and tenant lease; provided that any such property transported to any such farm is for use in the operation of such farm;
- (28) "Local log truck", a commercial motor vehicle which is registered pursuant to this chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this state, used to transport harvested forest products, operated solely at a forested site and in an area extending not more than a one hundred mile radius from such site, carries a load with dimensions not in excess of twenty-five cubic yards per two axles with dual wheels, and when operated on the national system of interstate and defense highways described in 23 U.S.C. Section 103, as amended, or outside the one hundred mile radius from such site with an extended distance local log truck permit, such vehicle shall not exceed the weight limits of section 304.180, does not have more than four axles, and does not pull a trailer which has more than three axles. Harvesting equipment which is used specifically for cutting, felling, trimming, delimbing, debarking, chipping, skidding, loading, unloading, and stacking may be

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transported on a local log truck. A local log truck may not exceed the limits required by law, however, if the truck does exceed such limits as determined by the inspecting officer, then notwithstanding any other provisions of law to the contrary, such truck shall be subject to the weight limits required by such sections as licensed for eighty thousand pounds;

(29) "Local log truck tractor", a commercial motor vehicle which is registered under this chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this state, used to transport harvested forest products, operated at a forested site and in an area extending not more than a one hundred mile radius from such site, operates with a weight not exceeding twenty-two thousand four hundred pounds on one axle or with a weight not exceeding forty-four thousand eight hundred pounds on any tandem axle, and when operated on the national system of interstate and defense highways described in 23 U.S.C. Section 103, as amended, or outside the one hundred mile radius from such site with an extended distance local log truck permit, such vehicle does not exceed the weight limits contained in section 304.180, and does not have more than three axles and does not pull a trailer which has more than three axles. Violations of axle weight limitations shall be subject to the load limit penalty as described for in sections 304.180 to 304.220;

(30) "Local transit bus", a bus whose operations are confined wholly within a municipal corporation, or wholly within a municipal corporation and a commercial zone, as defined in section 390.020, adjacent thereto, forming a part of a public transportation system within such municipal corporation and such municipal corporation and adjacent commercial zone;

(31) "Log truck", a vehicle which is not a local log truck or local log truck tractor and is used exclusively to transport harvested forest products to and from forested sites which is registered pursuant to this chapter to operate as a motor vehicle on the public highways of this state for the transportation of harvested forest products;

(32) "Major component parts", the rear clip, cowl, frame, body, cab, front-end assembly, and front clip, as those terms are defined by the director of revenue pursuant to rules and regulations or by illustrations;

(33) "Manufacturer", any person, firm, corporation or association engaged in the business of manufacturing or assembling motor vehicles, trailers or vessels for sale;

(34) "Motor change vehicle", a vehicle manufactured prior to August, 1957, which receives a new, rebuilt or used engine, and which used the number stamped on the original engine as the vehicle identification number;

(35) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks, except farm tractors;

(36) "Motor vehicle primarily for business use", any vehicle other than a recreational motor vehicle, motorcycle, motortricycle, or any commercial motor vehicle licensed for over twelve thousand pounds:

(a) Offered for hire or lease; or

(b) The owner of which also owns ten or more such motor vehicles;

(37) "Motorcycle", a motor vehicle operated on two wheels;

(38) "Motorized bicycle", any two-wheeled or three-wheeled device having an automatic transmission and a motor with a cylinder capacity of not more than fifty cubic centimeters, which produces less than three gross brake horsepower, and is capable of propelling the device at a maximum speed of not more than thirty miles per hour on level ground;

(39) "Motortricycle", a motor vehicle upon which the operator straddles or sits astride that is designed to be controlled by handle bars and is operated on three wheels, including a motorcycle while operated with any conveyance, temporary or otherwise, requiring the use of a third wheel. A motortricycle shall not be included in the definition of all-terrain vehicle;

(40) "Municipality", any city, town or village, whether incorporated or not;

(41) "Nonresident", a resident of a state or country other than the state of Missouri;

(42) "Non-USA-std motor vehicle", a motor vehicle not originally manufactured in compliance with United States emissions or safety standards;

(43) "Operator", any person who operates or drives a motor vehicle;

(44) "Owner", any person, firm, corporation or association, who holds the legal title to a vehicle **or who has executed a buyer's order or retail installment sales contract with a motor vehicle dealer licensed under sections 301.550 to 301.580 for the purchase of a vehicle with an immediate right of possession vested in the transferee**, or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner;

(45) "Public garage", a place of business where motor vehicles are housed, stored, repaired, reconstructed or repainted for persons other than the owners or operators of such place of business;

(46) "Rebuilder", a business that repairs or rebuilds motor vehicles owned by the rebuilder, but does not include certificated common or contract carriers of persons or property;

(47) "Reconstructed motor vehicle", a vehicle that is altered from its original construction by the addition or substitution of two or more new or used major component parts, excluding motor vehicles made from all new parts, and new multistage manufactured vehicles;

(48) "Recreational motor vehicle", any motor vehicle designed, constructed or substantially modified so that it may be used and is used for the purposes of temporary housing quarters, including therein sleeping and eating facilities which are either permanently attached to the motor vehicle or attached to a unit which is securely attached to the motor vehicle. Nothing herein shall prevent any motor vehicle from being registered as a commercial motor vehicle if the motor vehicle could otherwise be so registered;

(49) "Recreational off-highway vehicle", any motorized vehicle manufactured and used exclusively for off-highway use which is more than fifty inches but no more than ~~sixty-seven~~ **eighty** inches in width, **measured from outside of tire rim to outside of tire rim**, with an unladen dry weight of ~~two~~ **three** thousand **five hundred** pounds or less, traveling on four or more nonhighway tires and which may have access to ATV trails;

(50) "Recreational trailer", any trailer designed, constructed, or substantially modified so that it may be used and is used for the purpose of temporary housing quarters, including therein sleeping or eating facilities, which can be temporarily attached to a motor vehicle or attached to a unit which is securely attached to a motor vehicle;

(51) "Rollback or car carrier", any vehicle specifically designed to transport wrecked, disabled or otherwise inoperable vehicles, when the transportation is directly connected to a wrecker or towing service;

(52) "Saddlemount combination", a combination of vehicles in which a truck or truck tractor tows one or more trucks or truck tractors, each connected by a saddle to the frame or fifth wheel of the vehicle in front of it. The "saddle" is a mechanism that connects the front axle of the towed vehicle to the frame or fifth wheel of the vehicle in front and functions like a fifth wheel kingpin connection. When two vehicles are towed in this manner the combination is called a "double saddlemount combination". When three vehicles are towed in this manner, the combination is called a "triple saddlemount combination";

(53) "Salvage dealer and dismantler", a business that dismantles used motor vehicles for the sale of the parts thereof, and buys and sells used motor vehicle parts and accessories;

(54) "Salvage vehicle", a motor vehicle, semitrailer, or house trailer which:

(a) Was damaged during a year that is no more than six years after the manufacturer's model year designation for such vehicle to the extent that the total cost of repairs to rebuild or reconstruct the vehicle to its condition immediately before it was damaged for legal operation on the roads or highways exceeds eighty percent of the fair market value of the vehicle immediately preceding the time it was damaged;

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(b) By reason of condition or circumstance, has been declared salvage, either by its owner, or by a person, firm, corporation, or other legal entity exercising the right of security interest in it;

(c) Has been declared salvage by an insurance company as a result of settlement of a claim;

(d) Ownership of which is evidenced by a salvage title; or

(e) Is abandoned property which is titled pursuant to section 304.155 or section 304.157 and designated with the words "salvage/abandoned property". The total cost of repairs to rebuild or reconstruct the vehicle shall not include the cost of repairing, replacing, or reinstalling inflatable safety restraints, tires, sound systems, or damage as a result of hail, or any sales tax on parts or materials to rebuild or reconstruct the vehicle. For purposes of this definition, "fair market value" means the retail value of a motor vehicle as:

a. Set forth in a current edition of any nationally recognized compilation of retail values, including automated databases, or from publications commonly used by the automotive and insurance industries to establish the values of motor vehicles;

b. Determined pursuant to a market survey of comparable vehicles with regard to condition and equipment; and

c. Determined by an insurance company using any other procedure recognized by the insurance industry, including market surveys, that is applied by the company in a uniform manner;

(55) "School bus", any motor vehicle used solely to transport students to or from school or to transport students to or from any place for educational purposes;

(56) "Scrap processor", a business that, through the use of fixed or mobile equipment, flattens, crushes, or otherwise accepts motor vehicles and vehicle parts for processing or transportation to a shredder or scrap metal operator for recycling;

(57) "Shuttle bus", a motor vehicle used or maintained by any person, firm, or corporation as an incidental service to transport patrons or customers of the regular business of such person, firm, or corporation to and from the place of business of the person, firm, or corporation providing the service at no fee or charge. Shuttle buses shall not be registered as buses or as commercial motor vehicles;

(58) "Special mobile equipment", every self-propelled vehicle not designed or used primarily for the transportation of persons or property and incidentally operated or moved over the highways, including farm equipment, implements of husbandry, road construction or maintenance machinery, ditch-digging apparatus, stone crushers, air compressors, power shovels, cranes, graders, rollers, well-drillers and wood-sawing equipment used for hire, asphalt spreaders, bituminous mixers, bucket loaders, ditchers, leveling graders, finished machines, motor graders, road rollers, scarifiers, earth-moving carryalls, scrapers, drag lines, concrete pump trucks, rock-drilling and earth-moving equipment. This enumeration shall be deemed partial and shall not operate to exclude other such vehicles which are within the general terms of this section;

(59) "Specially constructed motor vehicle", a motor vehicle which shall not have been originally constructed under a distinctive name, make, model or type by a manufacturer of motor vehicles. The term specially constructed motor vehicle includes kit vehicles;

(60) "Stinger-steered combination", a truck tractor-semitrailer wherein the fifth wheel is located on a drop frame located behind and below the rearmost axle of the power unit;

(61) "Tandem axle", a group of two or more axles, arranged one behind another, the distance between the extremes of which is more than forty inches and not more than ninety-six inches apart;

(62) "Towaway trailer transporter combination", a combination of vehicles consisting of a trailer transporter towing unit and two trailers or semitrailers, with a total weight that does not exceed twenty-six thousand pounds; and in which the trailers or semitrailers carry no property and constitute inventory property of a manufacturer, distributor, or dealer of such trailers or semitrailers;

(63) "Tractor", "truck tractor" or "truck-tractor", a self-propelled motor vehicle designed for drawing other vehicles, but not for the carriage of any load when operating independently. When attached to a semitrailer, it supports a part of the weight thereof;

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(64) "Trailer", any vehicle without motive power designed for carrying property or passengers on its own structure and for being drawn by a self-propelled vehicle, except those running exclusively on tracks, including a semitrailer or vehicle of the trailer type so designed and used in conjunction with a self-propelled vehicle that a considerable part of its own weight rests upon and is carried by the towing vehicle. The term trailer shall not include cotton trailers as defined in this section and shall not include manufactured homes as defined in section 700.010;

(65) "Trailer transporter towing unit", a power unit that is not used to carry property when operating in a towaway trailer transporter combination;

(66) "Truck", a motor vehicle designed, used, or maintained for the transportation of property;

(67) "Truck-tractor semitrailer-semitrailer", a combination vehicle in which the two trailing units are connected with a B-train assembly which is a rigid frame extension attached to the rear frame of a first semitrailer which allows for a fifth-wheel connection point for the second semitrailer and has one less articulation point than the conventional A-dolly connected truck-tractor semitrailer-trailer combination;

(68) "Truck-trailer boat transporter combination", a boat transporter combination consisting of a straight truck towing a trailer using typically a ball and socket connection with the trailer axle located substantially at the trailer center of gravity rather than the rear of the trailer but so as to maintain a downward force on the trailer tongue;

(69) "Used parts dealer", a business that buys and sells used motor vehicle parts or accessories, but not including a business that sells only new, remanufactured or rebuilt parts. Business does not include isolated sales at a swap meet of less than three days;

(70) "Utility vehicle", any motorized vehicle manufactured and used exclusively for off-highway use which is more than fifty inches but no more than ~~sixty-seven~~ **eighty** inches in width, **measured from outside of tire rim to outside of tire rim**, with an unladen dry weight of ~~two~~ **three** thousand **five hundred** pounds or less, traveling on four or six wheels, to be used primarily for landscaping, lawn care, or maintenance purposes;

(71) "Vanpool", any van or other motor vehicle used or maintained by any person, group, firm, corporation, association, city, county or state agency, or any member thereof, for the transportation of not less than eight nor more than forty-eight employees, per motor vehicle, to and from their place of employment; however, a vanpool shall not be included in the definition of the term bus or commercial motor vehicle as defined in this section, nor shall a vanpool driver be deemed a chauffeur as that term is defined by section 303.020; nor shall use of a vanpool vehicle for ride-sharing arrangements, recreational, personal, or maintenance uses constitute an unlicensed use of the motor vehicle, unless used for monetary profit other than for use in a ride-sharing arrangement;

(72) "Vehicle", any mechanical device on wheels, designed primarily for use, or used, on highways, except motorized bicycles, vehicles propelled or drawn by horses or human power, or vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized wheelchairs operated by handicapped persons;

(73) "Wrecker" or "tow truck", any emergency commercial vehicle equipped, designed and used to assist or render aid and transport or tow disabled or wrecked vehicles from a highway, road, street or highway rights-of-way to a point of storage or repair, including towing a replacement vehicle to replace a disabled or wrecked vehicle;

(74) "Wrecker or towing service", the act of transporting, towing or recovering with a wrecker, tow truck, rollback or car carrier any vehicle not owned by the operator of the wrecker, tow truck, rollback or car carrier for which the operator directly or indirectly receives compensation or other personal gain.

301.030. MOTOR VEHICLE REGISTRATION PERIODS — COMMERCIAL PLATES, REQUIREMENTS — PRORATION AUTHORIZED FOR LARGER COMMERCIAL VEHICLES. — 1. The director shall provide for the retention of license plates by the owners of motor vehicles, other than

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commercial motor vehicles, and shall establish a system of registration on a monthly series basis to distribute the work of registering motor vehicles as uniformly as practicable throughout the twelve months of the calendar year. For the purpose of assigning license plate numbers, each type of motor vehicle shall be considered a separate class. Commencing July 1, 1949, motor vehicles, other than commercial motor vehicles, shall be registered for a period of twelve consecutive calendar months. There are established twelve registration periods, each of which shall start on the first day of each calendar month of the year and shall end on the last date of the twelfth month from the date of beginning. **Fees for the renewal of noncommercial motor vehicle registrations shall be payable no later than the last day of the month that follows the twelfth month of the expired registration period. No delinquent renewal penalty shall be assessed under section 301.050, and no violation shall be issued under section 301.020 for an expired registration, prior to the second month that follows the twelfth month of the expired registration period.**

2. Motor vehicles, other than commercial motor vehicles, operated for the first time upon the public highways of this state, to and including the fifteenth day of any given month, shall be subject to registration and payment of a fee for the twelve-month period commencing the first day of the month of such operation; motor vehicles, other than commercial motor vehicles, operated for the first time on the public highways of this state after the fifteenth day of any given month shall be subject to registration and payment of a fee for the twelve-month period commencing the first day of the next following calendar month.

3. All commercial motor vehicles and trailers, except those licensed under section 301.035 and those operated under agreements as provided for in sections 301.271 to 301.279, shall be registered either on a calendar year basis or on a prorated basis as provided in this section. The fees for commercial motor vehicles, trailers, semitrailers, and driveaway vehicles, other than those to be operated under agreements as provided for in sections 301.271 to 301.279 shall be payable not later than the last day of February of each year, except when such vehicle is licensed between April first and July first the fee shall be three-fourths the annual fee, when licensed between July first and October first the fee shall be one-half the annual fee and when licensed on or after October first the fee shall be one-fourth the annual fee. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Local commercial motor vehicle license plates may also be so stamped, marked or designed as to indicate they are to be used only on local commercial motor vehicles and, in addition to such stamp, mark or design, the letter "F" shall also be displayed on local commercial motor vehicle license plates issued to motor vehicles used for farm or farming transportation operations as defined in section 301.010 in the manner prescribed by the advisory committee established in section 301.129. In addition, all commercial motor vehicle license plates may be so stamped or marked with a letter, figure or other emblem as to indicate the gross weight for which issued.

4. The director shall, upon application, issue registration and license plates for nine thousand pounds gross weight for property-carrying commercial motor vehicles referred to herein, upon payment of the fees prescribed for twelve thousand pounds gross weight as provided in section 301.057.

5. Notwithstanding any other provision of law to the contrary, any motorcycle or motortricycle registration issued by the Missouri department of revenue shall expire on June thirtieth.

301.032. FLEET VEHICLE REGISTRATION, DIRECTOR TO ESTABLISH SYSTEM — PROCEDURES — SPECIAL LICENSE PLATES — EXEMPT FROM INSPECTION REQUIREMENTS, WHEN — LEASING COMPANY MAY OPERATE AS REGISTERED FLEET OWNER, WHEN, REQUIREMENTS — RULEMAKING AUTHORITY. — 1. Notwithstanding the provisions of sections 301.030 and 301.035 to the contrary, the director of revenue shall establish a system of registration of all fleet vehicles owned or purchased by a fleet owner registered pursuant to this section. The director of revenue shall prescribe the forms for such fleet registration and the forms and procedures for the

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registration updates prescribed in this section. Any owner of ten or more motor vehicles which must be registered in accordance with this chapter may register as a fleet owner. All registered fleet owners may, at their option, register all motor vehicles included in the fleet on a calendar year or biennial basis pursuant to this section in lieu of the registration periods provided in sections 301.030, 301.035, and 301.147. The director shall issue an identification number to each registered owner of fleet vehicles.

2. All fleet vehicles included in the fleet of a registered fleet owner shall be registered during April of the corresponding year or on a prorated basis as provided in subsection 3 of this section. Fees of all vehicles in the fleet to be registered on a calendar year basis or on a biennial basis shall be payable not later than the last day of April of the corresponding year, with two years' fees due for biennially-registered vehicles. Notwithstanding the provisions of section 307.355, an application for registration of a fleet vehicle must be accompanied by a certificate of inspection and approval issued no more than one hundred twenty days prior to the date of application. The fees for vehicles added to the fleet which must be licensed at the time of registration shall be payable at the time of registration, except that when such vehicle is licensed between July first and September thirtieth the fee shall be three-fourths the annual fee, when licensed between October first and December thirty-first the fee shall be one-half the annual fee and when licensed on or after January first the fee shall be one-fourth the annual fee. When biennial registration is sought for vehicles added to a fleet, an additional year's annual fee will be added to the partial year's prorated fee.

3. At any time during the calendar year in which an owner of a fleet purchases or otherwise acquires a vehicle which is to be added to the fleet or transfers plates to a fleet vehicle, the owner shall present to the director of revenue the identification number as a fleet number and may register the vehicle for the partial year as provided in subsection 2 of this section. The fleet owner shall also be charged a transfer fee of two dollars for each vehicle so transferred pursuant to this subsection.

4. Except as specifically provided in this subsection, all fleet vehicles registered pursuant to this section shall be issued a special license plate which shall have the words "Fleet Vehicle" in place of the words "Show-Me State" in the manner prescribed by the advisory committee established in section 301.129. Alternatively, for a one-time additional five dollar per-vehicle fee beyond the regular registration fee, a fleet owner of at least fifty fleet vehicles may apply for fleet license plates bearing a company name or logo, the size and design thereof subject to approval by the director. All fleet license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Fleet vehicles shall be issued multiyear license plates as provided in this section which shall not require issuance of a renewal tab. Upon payment of appropriate registration fees, the director of revenue shall issue a registration certificate or other suitable evidence of payment of the annual or biennial fee, and such evidence of payment shall be carried at all times in the vehicle for which it is issued.

5. Notwithstanding the provisions of sections 307.350 to 307.390 to the contrary, a fleet vehicle registered in Missouri is exempt from the requirements of sections 307.350 to 307.390 if at the time of the annual fleet registration, such fleet vehicle is situated outside the state of Missouri.

6. (1) Notwithstanding any other provisions of law to the contrary, any person, company, or corporation engaged in the business of renting or leasing three thousand five hundred or more motor vehicles which are to be used exclusively for rental or leasing purposes and not for resale that has applied to the director of revenue for authority to operate as a lease or rental company as prescribed in section 144.070 may operate as a registered fleet owner as prescribed in the provisions of this subsection to subsection 10 of this section.

(2) The director of revenue may issue license plates after presentment of an application, as designed by the director, and payment of an annual fee of three hundred sixty dollars for the first ten plates and thirty-six dollars for each additional plate. The payment and issuance of such plates shall be in lieu of registering each motor vehicle with the director as otherwise provided by law.

(3) **The registration fees for vehicles in the registered fleet owner's fleet shall be fully payable at the time such plates are ordered, except that when such plate is ordered after the first month of registration, the fees payable shall be prorated by the month the plates were ordered. When biennial registration is sought, an additional year's annual fee shall be added to the partial year's prorated fee.**

(4) Such motor vehicles within the fleet shall not be exempted from the safety inspection and emissions inspection provisions as prescribed in chapters 307 and 643, but notwithstanding the provisions of section 307.355, such inspections shall not be required to be presented to the director of revenue.

7. A recipient of a lease or rental company license issued by the director of revenue as prescribed in section 144.070 operating as a registered fleet owner under this section shall register such fleet with the director of revenue on an annual or biennial basis in lieu of the individual motor vehicle registration periods as prescribed in sections 301.030, 301.035, and 301.147. If an applicant elects a biennial fleet registration, the annual fleet license plate fees prescribed in subdivision (1) of subsection 6 of this section shall be doubled. An agent fee as prescribed in subdivision (1) of subsection 1 of section 136.055 shall apply to the issuance of fleet registrations issued under subsections 6 to 10 of this section, and if a biennial fleet registration is elected, the agent fee shall be collected in an amount equal to the fee for two years.

8. Prior to the issuance of fleet license plates under subsections 6 to 10 of this section, the applicant shall provide proof of insurance as required under section 303.024 or 303.026.

9. The authority of a recipient of a lease or rental company license issued by the director of revenue as prescribed in section 144.070 to operate as a fleet owner as provided in this section shall expire on January first of the licensure period.

10. A lease or rental company operating fleet license plates issued under subsections 6 to 10 of this section shall make available, upon request, to the director of revenue and all Missouri law enforcement agencies any corresponding vehicle and registration information that may be requested as prescribed by rule.

11. The director shall make all necessary rules and regulations for the administration of this section and shall design all necessary forms required by this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid and void.

301.140. PLATES REMOVED ON TRANSFER OR SALE OF VEHICLES — USE BY PURCHASER — REREGISTRATION — USE OF DEALER PLATES — TEMPORARY PERMITS, FEES — CREDIT, WHEN — ADDITIONAL TEMPORARY LICENSE PLATE MAY BE PURCHASED, WHEN — SALVAGE VEHICLES, TEMPORARY PERMITS — RULEMAKING AUTHORITY. — 1. Upon the transfer of ownership of any motor vehicle or trailer, the certificate of registration and the right to use the number plates shall expire and the number plates shall be removed by the owner at the time of the transfer of possession, and it shall be unlawful for any person other than the person to whom such number plates were originally issued to have the same in his or her possession whether in use or not, unless such possession is solely for charitable purposes; except that the buyer of a motor vehicle or trailer who trades in a motor vehicle or trailer may attach the license plates from the traded-in motor vehicle or trailer to the newly purchased motor vehicle or trailer. The operation of a motor vehicle with such transferred plates shall be lawful for no more than thirty days, or no more than ninety days if the dealer is selling the motor vehicle under the provisions of section 301.213, **or no more than sixty days if the dealer is**

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selling the motor vehicle under the provisions of subsection 5 of section 301.210. As used in this subsection, the term "trade-in motor vehicle or trailer" shall include any single motor vehicle or trailer sold by the buyer of the newly purchased vehicle or trailer, as long as the license plates for the trade-in motor vehicle or trailer are still valid.

2. In the case of a transfer of ownership the original owner may register another motor vehicle under the same number, upon the payment of a fee of two dollars, if the motor vehicle is of horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, not in excess of that originally registered. When such motor vehicle is of greater horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, for which a greater fee is prescribed, **the** applicant shall pay a transfer fee of two dollars and a pro rata portion for the difference in fees. When such vehicle is of less horsepower, gross weight or (in case of a passenger-carrying commercial motor vehicle) seating capacity, for which a lesser fee is prescribed, **the** applicant shall not be entitled to a refund.

3. License plates may be transferred from a motor vehicle which will no longer be operated to a newly purchased motor vehicle by the owner of such vehicles. The owner shall pay a transfer fee of two dollars if the newly purchased vehicle is of horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, not in excess of that of the vehicle which will no longer be operated. When the newly purchased motor vehicle is of greater horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, for which a greater fee is prescribed, the applicant shall pay a transfer fee of two dollars and a pro rata portion of the difference in fees. When the newly purchased vehicle is of less horsepower, gross weight or (in the case of a passenger-carrying commercial motor vehicle) seating capacity, for which a lesser fee is prescribed, the applicant shall not be entitled to a refund.

4. The director of the department of revenue shall have authority to produce or allow others to produce a weather resistant, nontearing temporary permit authorizing the operation of a motor vehicle or trailer by a buyer for not more than thirty days, or no more than ninety days if issued by a dealer **selling the motor vehicle under the provisions of section 301.213, or no more than sixty days if issued by a dealer selling the motor vehicle under the provisions of subsection 5 of section 301.210,** from the date of purchase. The temporary permit authorized under this section may be purchased by the purchaser of a motor vehicle or trailer from the central office of the department of revenue or from an authorized agent of the department of revenue upon proof of purchase of a motor vehicle or trailer for which the buyer has no registration plate available for transfer and upon proof of financial responsibility, or from a motor vehicle dealer upon purchase of a motor vehicle or trailer for which the buyer has no registration plate available for transfer, or from a motor vehicle dealer upon purchase of a motor vehicle or trailer for which the buyer has registered and is awaiting receipt of registration plates. The director of the department of revenue or a producer authorized by the director of the department of revenue may make temporary permits available to registered dealers in this state, authorized agents of the department of revenue or the department of revenue. The price paid by a motor vehicle dealer, an authorized agent of the department of revenue or the department of revenue for a temporary permit shall not exceed five dollars for each permit. The director of the department of revenue shall direct motor vehicle dealers and authorized agents to obtain temporary permits from an authorized producer. Amounts received by the director of the department of revenue for temporary permits shall constitute state revenue; however, amounts received by an authorized producer other than the director of the department of revenue shall not constitute state revenue and any amounts received by motor vehicle dealers or authorized agents for temporary permits purchased from a producer other than the director of the department of revenue shall not constitute state revenue. In no event shall revenues from the general revenue fund or any other state fund be utilized to compensate motor vehicle dealers or other producers for their role in producing temporary permits as authorized under this section. Amounts that do not constitute state revenue under this section shall also not constitute fees for registration or certificates of title to be collected by the

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director of the department of revenue under section 301.190. No motor vehicle dealer, authorized agent or the department of revenue shall charge more than five dollars for each permit issued. The permit shall be valid for a period of thirty days, or no more than ninety days if issued by a dealer selling the motor vehicle under the provisions of section 301.213, **or no more than sixty days if issued by a dealer selling the motor vehicle under the provisions of subsection 5 of section 301.210**, from the date of purchase of a motor vehicle or trailer, or from the date of sale of the motor vehicle or trailer by a motor vehicle dealer for which the purchaser obtains a permit as set out above. No permit shall be issued for a vehicle under this section unless the buyer shows proof of financial responsibility. Each temporary permit issued shall be securely fastened to the back or rear of the motor vehicle in a manner and place on the motor vehicle consistent with registration plates so that all parts and qualities of the temporary permit thereof shall be plainly and clearly visible, reasonably clean and are not impaired in any way.

5. The permit shall be issued on a form prescribed by the director of the department of revenue and issued only for the applicant's temporary operation of the motor vehicle or trailer purchased to enable the applicant to temporarily operate the motor vehicle while proper title and registration plates are being obtained, or while awaiting receipt of registration plates, and shall be displayed on no other motor vehicle. Temporary permits issued pursuant to this section shall not be transferable or renewable, shall not be valid upon issuance of proper registration plates for the motor vehicle or trailer, and shall be returned to the department or to the department's agent upon the issuance of such proper registration plates. Any temporary permit returned to the department or to the department's agent shall be immediately destroyed. The provisions of this subsection shall not apply to temporary permits issued for commercial motor vehicles licensed in excess of twenty-four thousand pounds gross weight. The director of the department of revenue shall determine the size, material, design, numbering configuration, construction, and color of the permit. The director of the department of revenue, at his or her discretion, shall have the authority to reissue, and thereby extend the use of, a temporary permit previously and legally issued for a motor vehicle or trailer while proper title and registration are being obtained.

6. Every motor vehicle dealer that issues temporary permits shall keep, for inspection by proper officers, an accurate record of each permit issued by recording the permit number, the motor vehicle dealer's number, buyer's name and address, the motor vehicle's year, make, and manufacturer's vehicle identification number, and the permit's date of issuance and expiration date. Upon the issuance of a temporary permit by either the central office of the department of revenue, a motor vehicle dealer or an authorized agent of the department of revenue, the director of the department of revenue shall make the information associated with the issued temporary permit immediately available to the law enforcement community of the state of Missouri.

7. Upon the transfer of ownership of any currently registered motor vehicle wherein the owner cannot transfer the license plates due to a change of motor vehicle category, the owner may surrender the license plates issued to the motor vehicle and receive credit for any unused portion of the original registration fee against the registration fee of another motor vehicle. Such credit shall be granted based upon the date the license plates are surrendered. No refunds shall be made on the unused portion of any license plates surrendered for such credit.

8. An additional temporary license plate produced in a manner and of materials determined by the director to be the most cost-effective means of production with a configuration that matches an existing or newly issued plate may be purchased by a motor vehicle owner to be placed in the interior of the vehicle's rear window such that the driver's view out of the rear window is not obstructed and the plate configuration is clearly visible from the outside of the vehicle to serve as the visible plate when a bicycle rack or other item obstructs the view of the actual plate. Such temporary plate is only authorized for use when the matching actual plate is affixed to the vehicle in the manner prescribed in subsection 5 of section 301.130. The fee charged for the temporary plate shall be equal to the fee charged for a

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temporary permit issued under subsection 4 of this section. Replacement temporary plates authorized in this subsection may be issued as needed upon the payment of a fee equal to the fee charged for a temporary permit under subsection 4 of this section. The newly produced third plate may only be used on the vehicle with the matching plate, and the additional plate shall be clearly recognizable as a third plate and only used for the purpose specified in this subsection.

9. Notwithstanding the provisions of section 301.217, the director may issue a temporary permit to an individual who possesses a salvage motor vehicle which requires an inspection under subsection 9 of section 301.190. The operation of a salvage motor vehicle for which the permit has been issued shall be limited to the most direct route from the residence, maintenance, or storage facility of the individual in possession of such motor vehicle to the nearest authorized inspection facility and return to the originating location. Notwithstanding any other requirements for the issuance of a temporary permit under this section, an individual obtaining a temporary permit for the purpose of operating a motor vehicle to and from an examination facility as prescribed in this subsection shall also purchase the required motor vehicle examination form which is required to be completed for an examination under subsection 9 of section 301.190 and provide satisfactory evidence that such vehicle has passed a motor vehicle safety inspection for such vehicle as required in section 307.350.

10. The director of the department of revenue may promulgate all necessary rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid and void.

11. The repeal and reenactment of this section shall become effective on the date the department of revenue or a producer authorized by the director of the department of revenue begins producing temporary permits described in subsection 4 of such section, or on July 1, 2013, whichever occurs first. If the director of revenue or a producer authorized by the director of the department of revenue begins producing temporary permits prior to July 1, 2013, the director of the department of revenue shall notify the revisor of statutes of such fact.

301.190. CERTIFICATE OF REGISTRATION — APPLICATION, CONTENTS — SPECIAL REQUIREMENTS, CERTAIN VEHICLES — FEES — FAILURE TO OBTAIN WITHIN TIME LIMIT, DELINQUENCY PENALTY — DURATION OF CERTIFICATE — UNLAWFUL TO OPERATE WITHOUT CERTIFICATE — CERTAIN VEHICLES BROUGHT INTO STATE IN A WRECKED OR DAMAGED CONDITION OR AFTER BEING TOWED, INSPECTION — CERTAIN VEHICLES PREVIOUSLY REGISTERED IN OTHER STATES, DESIGNATION — RECONSTRUCTED MOTOR VEHICLES, PROCEDURE. — 1. No certificate of registration of any motor vehicle or trailer, or number plate therefor, shall be issued by the director of revenue unless the applicant therefor shall make application for and be granted a certificate of ownership of such motor vehicle or trailer, or shall present satisfactory evidence that such certificate has been previously issued to the applicant for such motor vehicle or trailer. Application shall be made within thirty days after the applicant acquires the motor vehicle or trailer, unless the motor vehicle was acquired under section 301.213 **or subsection 5 of section 301.210** in which case the applicant shall make application within thirty days after receiving title from the dealer, upon a blank form furnished by the director of revenue and shall contain the applicant's identification number, a full description of the motor vehicle or trailer, the vehicle identification number, and the mileage registered on the odometer at the time of transfer of ownership, as required by section 407.536, together with a statement of the applicant's source of title and of any liens or encumbrances on the motor vehicle or trailer, provided that for good cause shown the director

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of revenue may extend the period of time for making such application. When an owner wants to add or delete a name or names on an application for certificate of ownership of a motor vehicle or trailer that would cause it to be inconsistent with the name or names listed on the notice of lien, the owner shall provide the director with documentation evidencing the lienholder's authorization to add or delete a name or names on an application for certificate of ownership.

2. The director of revenue shall use reasonable diligence in ascertaining whether the facts stated in such application are true and shall, to the extent possible without substantially delaying processing of the application, review any odometer information pertaining to such motor vehicle that is accessible to the director of revenue. If satisfied that the applicant is the lawful owner of such motor vehicle or trailer, or otherwise entitled to have the same registered in his name, the director shall thereupon issue an appropriate certificate over his signature and sealed with the seal of his office, procured and used for such purpose. The certificate shall contain on its face a complete description, vehicle identification number, and other evidence of identification of the motor vehicle or trailer, as the director of revenue may deem necessary, together with the odometer information required to be put on the face of the certificate pursuant to section 407.536, a statement of any liens or encumbrances which the application may show to be thereon, and, if ownership of the vehicle has been transferred, the name of the state issuing the transferor's title and whether the transferor's odometer mileage statement executed pursuant to section 407.536 indicated that the true mileage is materially different from the number of miles shown on the odometer, or is unknown.

3. The director of revenue shall appropriately designate on the current and all subsequent issues of the certificate the words "Reconstructed Motor Vehicle", "Motor Change Vehicle", "Specially Constructed Motor Vehicle", or "Non-USA-Std Motor Vehicle", as defined in section 301.010. Effective July 1, 1990, on all original and all subsequent issues of the certificate for motor vehicles as referenced in subsections 2 and 3 of section 301.020, the director shall print on the face thereof the following designation: "Annual odometer updates may be available from the department of revenue.". On any duplicate certificate, the director of revenue shall reprint on the face thereof the most recent of either:

(1) The mileage information included on the face of the immediately prior certificate and the date of purchase or issuance of the immediately prior certificate; or

(2) Any other mileage information provided to the director of revenue, and the date the director obtained or recorded that information.

4. The certificate of ownership issued by the director of revenue shall be manufactured in a manner to prohibit as nearly as possible the ability to alter, counterfeit, duplicate, or forge such certificate without ready detection. In order to carry out the requirements of this subsection, the director of revenue may contract with a nonprofit scientific or educational institution specializing in the analysis of secure documents to determine the most effective methods of rendering Missouri certificates of ownership nonalterable or noncounterfeitable.

5. The fee for each original certificate so issued shall be eight dollars and fifty cents, in addition to the fee for registration of such motor vehicle or trailer. If application for the certificate is not made within thirty days after the vehicle is acquired by the applicant, or where the motor vehicle was acquired under section 301.213 **or subsection 5 of section 301.210** and the applicant fails to make application within thirty days after receiving title from the dealer, a delinquency penalty fee of twenty-five dollars for the first thirty days of delinquency and twenty-five dollars for each thirty days of delinquency thereafter, not to exceed a total of two hundred dollars, but such penalty may be waived by the director for a good cause shown. If the director of revenue learns that any person has failed to obtain a certificate within thirty days after acquiring a motor vehicle or trailer, or where the motor vehicle was acquired under section 301.213 **or subsection 5 of section 301.210** and the applicant fails to make application within thirty days after receiving title from the dealer, or has sold a vehicle without obtaining a certificate, he shall cancel the registration of all vehicles registered in the name of the person, either as

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sole owner or as a co-owner, and shall notify the person that the cancellation will remain in force until the person pays the delinquency penalty fee provided in this section, together with all fees, charges and payments which the person should have paid in connection with the certificate of ownership and registration of the vehicle. The certificate shall be good for the life of the motor vehicle or trailer so long as the same is owned or held by the original holder of the certificate and shall not have to be renewed annually.

6. Any applicant for a certificate of ownership requesting the department of revenue to process an application for a certificate of ownership in an expeditious manner requiring special handling shall pay a fee of five dollars in addition to the regular certificate of ownership fee.

7. It is unlawful for any person to operate in this state a motor vehicle or trailer required to be registered under the provisions of the law unless a certificate of ownership has been applied for as provided in this section.

8. Before an original Missouri certificate of ownership is issued, an inspection of the vehicle and a verification of vehicle identification numbers shall be made by the Missouri state highway patrol on vehicles for which there is a current title issued by another state if a Missouri salvage certificate of title has been issued for the same vehicle but no prior inspection and verification has been made in this state, except that if such vehicle has been inspected in another state by a law enforcement officer in a manner comparable to the inspection process in this state and the vehicle identification numbers have been so verified, the applicant shall not be liable for the twenty-five dollar inspection fee if such applicant submits proof of inspection and vehicle identification number verification to the director of revenue at the time of the application. The applicant, who has such a title for a vehicle on which no prior inspection and verification have been made, shall pay a fee of twenty-five dollars for such verification and inspection, payable to the director of revenue at the time of the request for the application, which shall be deposited in the state treasury to the credit of the state highways and transportation department fund.

9. Each application for an original Missouri certificate of ownership for a vehicle which is classified as a reconstructed motor vehicle, specially constructed motor vehicle, kit vehicle, motor change vehicle, non-USA-std motor vehicle, or other vehicle as required by the director of revenue shall be accompanied by a vehicle examination certificate issued by the Missouri state highway patrol, or other law enforcement agency as authorized by the director of revenue. The vehicle examination shall include a verification of vehicle identification numbers and a determination of the classification of the vehicle. The owner of a vehicle which requires a vehicle examination certificate shall present the vehicle for examination and obtain a completed vehicle examination certificate prior to submitting an application for a certificate of ownership to the director of revenue. Notwithstanding any provision of the law to the contrary, an owner presenting a motor vehicle which has been issued a salvage title and which is ten years of age or older to a vehicle examination described in this subsection in order to obtain a certificate of ownership with the designation prior salvage motor vehicle shall not be required to repair or restore the vehicle to its original appearance in order to pass or complete the vehicle examination. The fee for the vehicle examination application shall be twenty-five dollars and shall be collected by the director of revenue at the time of the request for the application and shall be deposited in the state treasury to the credit of the state highways and transportation department fund. If the vehicle is also to be registered in Missouri, the safety inspection required in chapter 307 and the emissions inspection required under chapter 643 shall be completed and the fees required by section 307.365 and section 643.315 shall be charged to the owner.

10. When an application is made for an original Missouri certificate of ownership for a motor vehicle previously registered or titled in a state other than Missouri or as required by section 301.020, it shall be accompanied by a current inspection form certified by a duly authorized official inspection station as described in chapter 307. The completed form shall certify that the manufacturer's identification number for the vehicle has been inspected, that it is correctly displayed on the vehicle and shall certify the reading shown on the odometer at the time of inspection. The inspection station shall

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collect the same fee as authorized in section 307.365 for making the inspection, and the fee shall be deposited in the same manner as provided in section 307.365. If the vehicle is also to be registered in Missouri, the safety inspection required in chapter 307 and the emissions inspection required under chapter 643 shall be completed and only the fees required by section 307.365 and section 643.315 shall be charged to the owner. This section shall not apply to vehicles being transferred on a manufacturer's statement of origin.

11. Motor vehicles brought into this state in a wrecked or damaged condition or after being towed as an abandoned vehicle pursuant to another state's abandoned motor vehicle procedures shall, in lieu of the inspection required by subsection 10 of this section, be inspected by the Missouri state highway patrol in accordance with subsection 9 of this section. If the inspection reveals the vehicle to be in a salvage or junk condition, the director shall so indicate on any Missouri certificate of ownership issued for such vehicle. Any salvage designation shall be carried forward on all subsequently issued certificates of title for the motor vehicle.

12. When an application is made for an original Missouri certificate of ownership for a motor vehicle previously registered or titled in a state other than Missouri, and the certificate of ownership has been appropriately designated by the issuing state as a reconstructed motor vehicle, motor change vehicle, specially constructed motor vehicle, or prior salvage vehicle, the director of revenue shall appropriately designate on the current Missouri and all subsequent issues of the certificate of ownership the name of the issuing state and such prior designation. The absence of any prior designation shall not relieve a transferor of the duty to exercise due diligence with regard to such certificate of ownership prior to the transfer of a certificate. If a transferor exercises any due diligence with regard to a certificate of ownership, the legal transfer of a certificate of ownership without any designation that is subsequently discovered to have or should have had a designation shall be a transfer free and clear of any liabilities of the transferor associated with the missing designation.

13. When an application is made for an original Missouri certificate of ownership for a motor vehicle previously registered or titled in a state other than Missouri, and the certificate of ownership has been appropriately designated by the issuing state as non-USA-std motor vehicle, the director of revenue shall appropriately designate on the current Missouri and all subsequent issues of the certificate of ownership the words "Non-USA-Std Motor Vehicle".

14. The director of revenue and the superintendent of the Missouri state highway patrol shall make and enforce rules for the administration of the inspections required by this section.

15. Each application for an original Missouri certificate of ownership for a vehicle which is classified as a reconstructed motor vehicle, manufactured forty or more years prior to the current model year, and which has a value of three thousand dollars or less shall be accompanied by:

(1) A proper affidavit submitted by the owner explaining how the motor vehicle or trailer was acquired and, if applicable, the reasons a valid certificate of ownership cannot be furnished;

(2) Photocopies of receipts, bills of sale establishing ownership, or titles, and the source of all major component parts used to rebuild the vehicle;

(3) A fee of one hundred fifty dollars in addition to the fees described in subsection 5 of this section. Such fee shall be deposited in the state treasury to the credit of the state highways and transportation department fund; and

(4) An inspection certificate, other than a motor vehicle examination certificate required under subsection 9 of this section, completed and issued by the Missouri state highway patrol, or other law enforcement agency as authorized by the director of revenue. The inspection performed by the highway patrol or other authorized local law enforcement agency shall include a check for stolen vehicles.

The department of revenue shall issue the owner a certificate of ownership designated with the words "Reconstructed Motor Vehicle" and deliver such certificate of ownership in accordance with the provisions of this chapter. Notwithstanding subsection 9 of this section, no owner of a reconstructed

motor vehicle described in this subsection shall be required to obtain a vehicle examination certificate issued by the Missouri state highway patrol.

301.193. ABANDONED PROPERTY, TITLING OF, PRIVATELY OWNED REAL ESTATE, PROCEDURE — SALVAGE OR JUNKING CERTIFICATE AUTHORIZED, WHEN — WATERCRAFT TITLED THROUGH CLAIMS ADJUSTMENT PROCESS, CERTIFICATE OF TITLE AUTHORIZED, WHEN. — 1. Any person who purchases or is the owner of real property on which vehicles, as defined in section 301.010, vessels or watercraft, as defined in section 306.010, or outboard motors, as that term is used in section 306.530, have been abandoned, without the consent of said purchaser or owner of the real property, may apply to the department of revenue for a certificate of title. Any insurer which purchases a vehicle through the claims adjustment process for which the insurer is unable to obtain a negotiable title may make an application to the department of revenue for a salvage certificate of title pursuant to this section. Prior to making application for a certificate of title on a vehicle under this section, the insurer or owner of the real estate shall have the vehicle inspected by law enforcement pursuant to subsection 9 of section 301.190, and shall have law enforcement perform a check in the national crime information center and any appropriate statewide law enforcement computer to determine if the vehicle has been reported stolen and the name and address of the person to whom the vehicle was last titled and any lienholders of record. The insurer or owner or purchaser of the real estate shall, thirty days prior to making application for title, notify any owners or lienholders of record for the vehicle by certified mail that the owner intends to apply for a certificate of title from the director for the abandoned vehicle. The application for title shall be accompanied by:

- (1) A statement explaining the circumstances by which the property came into the insurer, owner, or purchaser's possession; a description of the property including the year, make, model, vehicle identification number, and any decal or license plate that may be affixed to the vehicle; the current location of the property; and the retail value of the property;
- (2) An inspection report of the property, if it is a vehicle, by a law enforcement agency pursuant to subsection 9 of section 301.190; and
- (3) A copy of the thirty-day notice and certified mail receipt mailed to any owner and any person holding a valid security interest of record.

2. Upon receipt of the application and supporting documents, the director shall search the records of the department of revenue, or initiate an inquiry with another state, if the evidence presented indicated the property described in the application was registered or titled in another state, to verify the name and address of any owners and any lienholders. If the latest owner or lienholder was not notified the director shall inform the insurer, owner, or purchaser of the real estate of the latest owner and lienholder information so that notice may be given as required by subsection 1 of this section. Any owner or lienholder receiving notification may protest the issuance of title by, within the thirty-day **or forty-five-day** notice period, **as applicable**, and may file a petition to recover the vehicle, naming the insurer **described in subsection 1, 3, or 6 of this section, as applicable; a salvage pool or salvage dealer and dismantler described in subsection 4 of this section; a used motor vehicle dealer described in subsection 5 of this section;** or the owner of the real estate and serving a copy of the petition on the director of revenue. The director shall not be a party to such petition but shall, upon receipt of the petition, suspend the processing of any further certificate of title until the rights of all parties to the vehicle are determined by the court. Once all requirements are satisfied the director shall issue one of the following:

- (1) An original certificate of title if the vehicle examination certificate, as provided in section 301.190, indicates that the vehicle was not previously in a salvaged condition or rebuilt;
- (2) An original certificate of title designated as prior salvage if the vehicle examination certificate as provided in section 301.190 indicates the vehicle was previously in a salvaged condition or rebuilt;

(3) A salvage certificate of title designated with the words "salvage/abandoned property" or junking certificate based on the condition of the property as stated in the inspection report. An insurer purchasing a vehicle through the claims adjustment process under this section shall only be eligible to obtain a salvage certificate of title or junking certificate. **A salvage pool or salvage dealer and dismantler described in subsection 4 of this section or a used motor vehicle dealer described in subsection 5 of this section shall only be eligible to obtain a salvage certificate of title or junking certificate.**

3. Any insurer which purchases a vehicle that is currently titled in Missouri through the claims adjustment process for which the insurer is unable to obtain a negotiable title may make application to the department of revenue for a salvage certificate of title or junking certificate. Such application may be made by the insurer or its designated salvage pool on a form provided by the department and signed under penalty of perjury. The application shall include a declaration that the insurer has made at least two written attempts to obtain the certificate of title, transfer documents, or other acceptable evidence of title, and be accompanied by proof of claims payment from the insurer, evidence that letters were sent to the vehicle owner, a statement explaining the circumstances by which the property came into the insurer's possession, a description of the property including the year, make, model, vehicle identification number, and current location of the property, and the fee prescribed in subsection 5 of section 301.190. The insurer shall, thirty days prior to making application for title, notify any owners or lienholders of record for the vehicle that the insurer intends to apply for a certificate of title from the director for the vehicle. Upon receipt of the application and supporting documents, the director shall search the records of the department of revenue to verify the name and address of any owners and any lienholders. If the director identifies any additional owner or lienholder who has not been notified by the insurer, the director shall inform the insurer of such additional owner or lienholder and the insurer shall notify the additional owner or lienholder of the insurer's intent to obtain title as prescribed in this section. If no valid lienholders have notified the department of the existence of a lien, the department shall issue a salvage certificate of title or junking certificate for the vehicle in the name of the insurer.

4. Any salvage pool or salvage dealer and dismantler that takes possession of a vehicle at the request of an insurer when the insurer does not purchase the vehicle through the claims adjustment process may apply to the department for a salvage certificate of title or junking certificate in the name of the salvage pool or salvage dealer and dismantler if the vehicle has remained unclaimed on the salvage pool's or salvage dealer and dismantler's premises for more than forty-five days. The salvage pool or salvage dealer and dismantler shall, forty-five days prior to making application for title, notify any owners or lienholders of record for the vehicle that the salvage pool or salvage dealer and dismantler intends to apply to the director for a certificate of title for the vehicle unless the owner or lienholder removes the vehicle from the salvage pool's or salvage dealer and dismantler's premises within the forty-five days. The application for title shall be on a form provided by the department, signed under penalty of perjury, and shall be accompanied by:

(1) A statement explaining the circumstances by which the vehicle came into the salvage pool's or salvage dealer and dismantler's possession; a description of the vehicle including the year, make, model, and vehicle identification number; the current location of the property; and the fee prescribed in subsection 5 of section 301.190;

(2) A copy of the forty-five-day notice and certified mail receipt mailed, or proof that the request was delivered by a nationally recognized courier service, to any owner and any person holding a valid security interest of record; and

(3) If the vehicle is not currently titled in Missouri, an inspection report of the vehicle by a law enforcement agency pursuant to subsection 9 of section 301.190.

Upon receipt of the application and supporting documents, the director shall search the records of the department, or initiate an inquiry with another state if the evidence presented indicated

the property described in the application was registered or titled in another state, to verify the name and address of any owners and any lienholders. If the director identifies any additional owner or lienholder who has not been notified by the salvage pool or salvage dealer and dismantler, the director shall inform the salvage pool or salvage dealer and dismantler of such additional owner or lienholder and the salvage pool or salvage dealer and dismantler shall notify the additional owner or lienholder of the salvage pool's or salvage dealer and dismantler's intent to obtain title as prescribed in this section. If no valid lienholders have notified the department of the existence of a lien, the department shall issue a salvage certificate of title or junking certificate for the vehicle in the name of the salvage pool or salvage dealer and dismantler.

5. Any used motor vehicle dealer that takes possession of a vehicle at the request of an organization exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code when such organization does not provide the used motor vehicle dealer with a negotiable title may apply to the department of revenue for a salvage certificate of title or junking certificate in the name of the used motor vehicle dealer if the vehicle has remained unclaimed on the used motor vehicle dealer's premises for more than forty-five days. The used motor vehicle dealer shall, forty-five days prior to making application for title, notify any owners or lienholders of record for the vehicle that the used motor vehicle dealer intends to apply for a certificate of title from the director for the vehicle unless the owner or lienholder removes the vehicle from the used motor vehicle dealer's premises within the forty-five days. The application for title shall be on a form provided by the department, signed under penalty of perjury, and shall be accompanied by:

(1) A statement explaining the circumstances by which the vehicle came into the used motor vehicle dealer's possession; a description of the vehicle including the year, make, model, and vehicle identification number; the current location of the property; and the fee prescribed in subsection 5 of section 301.190;

(2) A copy of the forty-five-day notice and certified mail receipt mailed, or proof that the request was delivered by a nationally recognized courier service, to any owner and any person holding a valid security interest of record; and

(3) If the vehicle is not currently titled in Missouri, an inspection report of the vehicle by a law enforcement agency pursuant to subsection 9 of section 301.190.

Upon receipt of the application and supporting documents, the director shall search the records of the department, or initiate an inquiry with another state if the evidence presented indicated the property described in the application was registered or titled in another state, to verify the name and address of any owners and any lienholders. If the director identifies any additional owner or lienholder who has not been notified by the used motor vehicle dealer, the director shall inform the used motor vehicle dealer of such additional owner or lienholder and the used motor vehicle dealer shall notify the additional owner or lienholder of the used motor vehicle dealer's intent to obtain title as prescribed in this section. If no valid lienholders have notified the department of the existence of a lien, the department shall issue a salvage certificate of title or junking certificate for the vehicle in the name of the used motor vehicle dealer.

6. Any insurer that purchases a vessel or watercraft that is currently titled in Missouri through the claims adjustment process and for which the insurer is unable to obtain a negotiable title may make application to the department for a certificate of title. Such application may be made by the insurer or its designated salvage pool or salvage dealer and dismantler on a form provided by the department and signed under penalty of perjury. The application shall include a declaration that the insurer has made at least two written attempts to obtain the certificate of title, transfer documents, or other acceptable evidence of title and be accompanied by proof of claims payment from the insurer; evidence that letters were sent to the vessel or watercraft

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owner; a statement explaining the circumstances by which the property came into the insurer's possession; a description of the property including the year, make, and hull identification number; the current location of the property; and the fee prescribed in subsection 3 of section 306.015. The insurer shall, thirty days prior to making application for title, notify any owners or lienholders of record for the vessel or watercraft that the insurer intends to apply to the director for a certificate of title for the vessel or watercraft. Upon receipt of the application and supporting documents, the director shall search the records of the department of revenue to verify the name and address of any owners and any lienholders. If the director identifies any additional owner or lienholder who has not been notified by the insurer, the director shall inform the insurer of such additional owner or lienholder and the insurer shall notify the additional owner or lienholder of the insurer's intent to obtain title as prescribed in this section. If no valid lienholders have notified the department of the existence of a lien, the department shall issue a certificate of title for the vessel or watercraft in the name of the insurer.

301.210. SALE AND TRANSFER OF VEHICLES, PROCEDURE — ASSIGNMENT OF CERTIFICATE — NEW CERTIFICATE — NOTICE OF SALE TO NONRESIDENT — DIRECTOR OF REVENUE TO KEEP FILE — MOTOR VEHICLE DEALER, CERTIFICATE OF OWNERSHIP REQUIREMENTS. —

1. In the event of a sale or transfer of ownership of a motor vehicle or trailer for which a certificate of ownership has been issued, the holder of such certificate shall endorse on the same an assignment thereof, with warranty of title in form printed thereon, and prescribed by the director of revenue, with a statement of all liens or encumbrances on such motor vehicle or trailer, and deliver the same to the buyer at the time of the delivery to him of such motor vehicle or trailer; provided that, when the transfer of a motor vehicle, trailer, boat or outboard motor occurs within a corporation which holds a license to operate as a motor vehicle or boat dealer pursuant to sections 301.550 to 301.575, the provisions of subdivision (3) of subsection 7 of section 144.070 shall not apply.

2. The buyer shall then present such certificate, assigned as aforesaid, to the director of revenue, at the time of making application for the registration of such motor vehicle or trailer, whereupon a new certificate of ownership shall be issued to the buyer, the fee therefor being that prescribed in subsection 5 of section 301.190.

3. If such motor vehicle or trailer is sold to a resident of another state or country, or if such motor vehicle or trailer is destroyed or dismantled, the owner thereof shall immediately notify the director of revenue. Certificates when so signed and returned to the director of revenue shall be retained by the director of revenue and all certificates shall be appropriately indexed so that at all times it will be possible for him to expeditiously trace the ownership of the motor vehicle or trailer designated therein.

4. It shall be unlawful for any person to buy or sell in this state any motor vehicle or trailer registered under the laws of this state, unless, at the time of the delivery thereof, there shall pass between the parties such certificates of ownership with an assignment thereof, as provided in this section, and the sale of any motor vehicle or trailer registered under the laws of this state, without the assignment of such certificate of ownership, shall be **presumed** fraudulent and void **unless the parties have executed a written agreement for delayed delivery of certificate of ownership as provided in subsection 5 of this section.**

5. A motor vehicle dealer licensed under sections 301.550 to 301.580 may deliver a motor vehicle or trailer to a purchaser with a written agreement to pass the certificate of ownership with an assignment to the purchaser within thirty days after delivery, inclusive of weekends and holidays.

(1) The form of the agreement shall be prescribed by the director of revenue. The agreement shall provide that if the motor vehicle dealer does not pass the certificate of ownership with an assignment to the purchaser within thirty days that the sale shall be voidable at purchaser's option and, in such case, dealer shall re-purchase the vehicle by paying and satisfying in full any

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purchase money lien against the vehicle, including accrued penalties and fees, with the remainder of one hundred percent of the sale price refunded and paid by the dealer to the buyer. As used in this subdivision, the term "sale price" shall include the negotiated price of the vehicle, the down payment, the trade-in allowance even if the allowance reflected negative equity, and the price of all optional services and products sold to the buyer under the sales and finance transaction.

(2) In the event a motor vehicle subject to this subsection has suffered physical damage covered by the purchaser's vehicle insurance policy and the vehicle is determined by the insurance company to be a total loss, the insurance company may satisfy the claim in full, with respect to the damage to the vehicle, by transferring all proceeds to such purchaser and any secured lienholder of record. The purchaser shall not assign the purchaser's corresponding insurance benefits to any party without the express written permission of the insurer. In conjunction with such satisfaction of the claim, if as part of such claim settlement the insurance company is to receive the vehicle under subdivision (3) of this subsection, but clear title never vests with the purchaser within the thirty-day period after the date of sale prescribed by subdivision (1) of this subsection or within ten days of the claim settlement date, whichever is later, the insurance company shall notify the dealer that clear title never vested with the purchaser and the dealer shall reimburse the insurance company for the salvage value of such vehicle as determined in the claims settlement with the purchaser, and in exchange the insurance company shall assign its rights to the vehicle back to the dealer. If the dealer fails to make payment to the insurance company within fifteen days of receiving notice, the dealer shall be liable to the insurance company for the value of the salvage as determined in the claims settlement with the purchaser, plus any actual damages and any applicable court costs, in return for the right to acquire the title and apply for a salvage title under this chapter.

(3) Notwithstanding any provision of law to the contrary, completion of the requirements of this subsection shall constitute prima facie evidence of an ownership interest vested in the purchaser of the vehicle for all purposes other than for a subsequent transfer of ownership of the vehicle by the purchaser, subject to the rights of any secured lienholder of record; however, the purchaser may use a dealer-supplied copy of the agreement to transfer his or her ownership of the vehicle to an insurance company in situations where the vehicle has been declared salvage or a total loss by the insurance company as a result of a settlement of a claim. Such insurance company may apply for a salvage certificate of title or junking certificate under subsection 3 of section 301.193 in order to transfer its interest in such vehicle. The purchaser may also use a dealer-supplied copy of the agreement on the form prescribed by the director of revenue as proof of ownership interest. Any lender or insurance company may rely upon a copy of the signed written agreement on the form prescribed by the director of revenue as proof of ownership interest. Any lien placed upon a vehicle based upon such signed written agreement shall be valid and enforceable, notwithstanding the absence of a certificate of ownership.

(4) No motor vehicle dealer shall be authorized under this subsection to enter and have outstanding any such written agreements until such dealer has provided to the director of revenue a surety bond or irrevocable letter of credit in an amount not less than one hundred thousand dollars in a form which complies with the requirements of section 301.560 and in lieu of the fifty thousand dollar bond otherwise required for licensure as a motor vehicle dealer.

301.213. DEALERS MAY PURCHASE OR ACCEPT IN TRADE VEHICLES SUBJECT TO EXISTING LIENS, WHEN — SALE OF VEHICLES SUBJECT TO LIEN, WHEN — REPLACEMENT CERTIFICATE, WHEN — LIABILITY, WHEN — VIOLATION, PENALTY. — 1. Notwithstanding the provisions of sections 301.200 and 301.210, any person licensed as a motor vehicle dealer under sections 301.550 to 301.580 that has provided to the director of revenue a surety bond or irrevocable letter of credit in an amount not less than one hundred thousand dollars in a form which complies with the requirements of

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section 301.560 and in lieu of the fifty thousand dollar bond otherwise required for licensure as a motor vehicle dealer shall be authorized to purchase or accept in trade any motor vehicle for which there has been issued a certificate of ownership, and to receive such vehicle subject to any existing liens thereon created and perfected under sections 301.600 to 301.660 provided the licensed dealer receives the following:

(1) A signed written contract between the licensed dealer and the owner of the vehicle outlining the terms of the sale or acceptance in trade of such motor vehicle without transfer of the certificate of ownership; and

(2) Physical delivery of the vehicle to the licensed dealer; and

(3) A power of attorney from the owner to the licensed dealer, in accordance with subsection 4 of section 301.300, authorizing the licensed dealer to obtain a duplicate or replacement title in the owner's name and sign any title assignments on the owner's behalf.

2. If the dealer complies with the requirements of subsection 1 of this section, the sale or trade of the vehicle to the dealer shall be considered final, subject to any existing liens created and perfected under sections 301.600 to 301.660. Once the prior owner of the motor vehicle has physically delivered the motor vehicle to the licensed dealer, the prior owners' insurable interest in such vehicle shall cease to exist.

3. If a licensed dealer complies with the requirements of subsection 1 of this section, and such dealer has provided to the director of revenue a surety bond or irrevocable letter of credit in amount not less than one hundred thousand dollars in a form which complies with the requirements of section 301.560 and in lieu of the fifty thousand dollar bond otherwise required for licensure as a motor vehicle dealer, such dealer may sell such vehicle prior to receiving and assigning to the purchaser the certificate of ownership, provided such dealer complies with the following:

(1) All outstanding liens created on the vehicle pursuant to sections 301.600 to 301.660 have been paid in full, and the dealer provides a copy of proof or other evidence to the purchaser; and

(2) The dealer has obtained proof or other evidence from the department of revenue confirming that no outstanding child support liens exist upon the vehicle at the time of sale and provides a copy of said proof or other evidence to the purchaser; and

(3) The dealer has obtained proof or other evidence from the department of revenue confirming that all applicable state sales tax has been satisfied on the sale of the vehicle to the previous owner and provides a copy of said proof or other evidence to the purchaser; and

(4) The dealer has signed an application for duplicate or replacement title for the vehicle under subsection 4 of section 301.300 and provides a copy of the application to the purchaser, along with a copy of the power of attorney required by subsection 1 of this section, and the dealer has prepared and delivered to the purchaser an application for title for the vehicle in the purchaser's name; and

(5) The dealer and the purchaser have entered into a written agreement for the subsequent assignment and delivery of such certificate of ownership, on a form prescribed by the director of revenue, to take place at a time, not to exceed sixty calendar days, after the time of delivery of the motor vehicle to the purchaser. Such agreement shall require the purchaser to provide to the dealer proof of financial responsibility in accordance with chapter 303 and proof of comprehensive and collision coverage on the motor vehicle. Such dealer shall maintain the original or an electronic copy of the signed agreement and deliver a copy of the signed agreement to the purchaser. Such dealer shall also complete and deliver to the director of revenue such form as the director shall prescribe demonstrating that the purchaser has purchased the vehicle without contemporaneous delivery of the title.

Notwithstanding any provision of law to the contrary, completion of the requirements of this subsection shall constitute prima facie evidence of an ownership interest vested in the purchaser of the vehicle for all purposes other than for a subsequent transfer of ownership of the vehicle by the purchaser, subject to the rights of any secured lienholder of record; however, the purchaser may use the dealer-supplied

copy of the agreement to transfer his or her ownership of the vehicle to an insurance company in situations where the vehicle has been declared salvage or a total loss by the insurance company as a result of a settlement of a claim. Such insurance company may apply for a salvage certificate of title or junking certificate pursuant to the provisions of subsection 3 of section 301.193 in order to transfer its interest in such vehicle. The purchaser may also use the dealer-supplied copy of the agreement on the form prescribed by the director of revenue as proof of ownership interest. Any lender or insurance company may rely upon a copy of the signed written agreement on the form prescribed by the director of revenue as proof of ownership interest. Any lien placed upon a vehicle based upon such signed written agreement shall be valid and enforceable, notwithstanding the absence of a certificate of ownership.

4. Following a sale or other transaction in which a certificate of ownership has not been assigned from the owner to the licensed dealer, the dealer shall, within ten business days, apply for a duplicate or replacement certificate of ownership. Upon receipt of a duplicate or replacement certificate of ownership applied for under subsection 4 of section 301.300, the dealer shall assign and deliver said certificate of ownership to the purchaser of the vehicle within five business days. The dealer shall maintain proof of the assignment and delivery of the certificate of ownership to the purchaser. For purposes of this subsection, a dealer shall be deemed to have delivered the certificate of ownership to the purchaser upon either:

(1) Physical delivery of the certificate of ownership to any of the purchasers identified in the contract with such dealer; or

(2) Mailing of the certificate, postage prepaid, return receipt requested, to any of the purchasers at any of their addresses identified in the contract with such dealer.

5. If a licensed dealer fails to comply with subsection 3 of this section, and the purchaser of the vehicle is thereby damaged, then the dealer shall be liable to the purchaser of the vehicle for actual damages, plus court costs and reasonable attorney fees.

6. If a licensed dealer fails or is unable to comply with subsection 4 of this section, and the purchaser of the vehicle is thereby damaged, then the dealer shall be liable to the purchaser of the vehicle for actual damages, plus court costs and reasonable attorney fees. If the dealer cannot be found by the purchaser after making reasonable attempts, or if the dealer fails to assign and deliver the duplicate or replacement certificate of ownership to the purchaser by the date agreed upon by the dealer and the purchaser, as required by subsection 4 of this section, then the purchaser may deliver to the director a copy of the contract for sale of the vehicle, a copy of the application for duplicate title provided by the dealer to the purchaser, a copy of the secure power of attorney allowing the dealer to assign the duplicate title, and the proof or other evidence obtained by the purchaser from the dealer under subsection 3 of this section. Thereafter, the director shall mail by certified mail, return receipt requested, a notice to the dealer at the last address given to the department by that dealer. That notice shall inform the dealer that the director intends to cancel any prior certificate of title which may have been issued to the dealer on the vehicle and issue to the purchaser a certificate of title in the name of the purchaser, subject to any liens incurred by the purchaser in connection with the purchase of the vehicle, unless the dealer, within ten business days from the date of the director's notice, files with the director a written objection to the director taking such action. If the dealer does file a timely, written objection with the director, then the director shall not take any further action without an order from a court of competent jurisdiction. However, if the dealer does not file a timely, written objection with the director, then the director shall cancel the prior certificate of title issued to the dealer on the vehicle and issue a certificate of title to the purchaser of the vehicle, subject to any liens incurred by the purchaser in connection with the purchase of the vehicle and subject to the purchaser satisfying all applicable taxes and fees associated with registering the vehicle.

7. If a seller misrepresents to a dealer that the seller is the owner of a vehicle and the dealer, the owner, any subsequent purchaser, or any prior or subsequent lienholder is thereby damaged, then the

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seller shall be liable to each such party for actual and punitive damages, plus court costs and reasonable attorney fees.

8. When a lienholder is damaged as a result of a licensed dealer's acts, errors, omissions, or violations of this section, then the dealer shall be liable to the lienholder for actual damages, plus court costs and reasonable attorney fees.

9. No court costs or attorney fees shall be awarded under this section unless, prior to filing any such action, the following conditions have been met:

(1) The aggrieved party seeking damages has delivered an itemized written demand of the party's actual damages to the party from whom damages are sought; and

(2) The party from whom damages are sought has not satisfied the written demand within thirty days after receipt of the written demand.

10. The department of revenue may use a dealer's repeated or intentional violation of this section as a cause to suspend, revoke, or refuse to issue or renew any license required pursuant to sections 301.550 to 301.580, in addition to the causes set forth in section 301.562. The hearing process shall be the same as that established in subsection 6 of section 301.562.

11. No dealer shall enter into a contract under this section after December 31, 2020. Any contract entered into prior to December 31, 2020, shall be enforceable as provided in this section. This section shall be repealed effective December 31, 2020.

301.280. DEALERS AND GARAGE KEEPERS, SALES REPORT REQUIRED — UNCLAIMED VEHICLE REPORT REQUIRED, CONTENTS — ALTERATION OF VEHICLE IDENTIFICATION NUMBER, EFFECT — FALSE STATEMENT, PENALTY. — 1. Every motor vehicle dealer and boat dealer shall make a monthly report to the department of revenue, on blanks to be prescribed by the department of revenue, giving the following information: date of the sale of each motor vehicle, boat, trailer and all-terrain vehicle sold; the name and address of the buyer; the name of the manufacturer; year of manufacture; model of vehicle; vehicle identification number; style of vehicle; odometer setting; and it shall also state whether the motor vehicle, boat, trailer or all-terrain vehicle is new or secondhand. Each monthly sales report filed by a motor vehicle dealer who collects sales tax under subsection 10 of section 144.070 shall also include the amount of state and local sales tax collected for each motor vehicle sold if sales tax was due. The odometer reading is not required when reporting the sale of any motor vehicle that is ten years old or older, any motor vehicle having a gross vehicle weight rating of more than sixteen thousand pounds, new vehicles that are transferred on a manufacturer's statement of origin between one franchised motor vehicle dealer and another, or boats, all-terrain vehicles or trailers. The sale of all temporary permits shall be recorded in the appropriate space on the dealer's monthly sales report, unless the sale of the temporary permit is already recorded by electronic means as determined by the department. **The monthly sales report shall include a statement of motor vehicles or trailers sold during the month under subsection 5 of section 301.210.** The monthly sales report shall be completed in full and signed by an officer, partner, or owner of the dealership, and actually received by the department of revenue on or before the fifteenth day of the month succeeding the month for which the sales are being reported. If no sales occur in any given month, a report shall be submitted for that month indicating no sales. Any vehicle dealer who fails to file a monthly report or who fails to file a timely report shall be subject to disciplinary action as prescribed in section 301.562 or a penalty assessed by the director not to exceed three hundred dollars per violation. Every motor vehicle and boat dealer shall retain copies of the monthly sales report as part of the records to be maintained at the dealership location and shall hold them available for inspection by appropriate law enforcement officials and officials of the department of revenue. Every vehicle dealer selling twenty or more vehicles a month shall file the monthly sales report with the department in an electronic format. Any dealer filing a monthly sales report in an electronic format shall be exempt from filing the notice of transfer required

by section 301.196. For any dealer not filing electronically, the notice of transfer required by section 301.196 shall be submitted with the monthly sales report as prescribed by the director.

2. Every dealer and every person operating a public garage shall keep a correct record of the vehicle identification number, odometer setting, manufacturer's name of all motor vehicles or trailers accepted by him for the purpose of sale, rental, storage, repair or repainting, together with the name and address of the person delivering such motor vehicle or trailer to the dealer or public garage keeper, and the person delivering such motor vehicle or trailer shall record such information in a file kept by the dealer or garage keeper. The record shall be kept for five years and be open for inspection by law enforcement officials, members or authorized or designated employees of the Missouri highway patrol, and persons, agencies and officials designated by the director of revenue.

3. Every dealer and every person operating a public garage in which a motor vehicle remains unclaimed for a period of fifteen days shall, within five days after the expiration of that period, report the motor vehicle as unclaimed to the director of revenue. Such report shall be on a form prescribed by the director of revenue. A motor vehicle left by its owner whose name and address are known to the dealer or his employee or person operating a public garage or his employee is not considered unclaimed. Any dealer or person operating a public garage who fails to report a motor vehicle as unclaimed as herein required forfeits all claims and liens for its garaging, parking or storing.

4. The director of revenue shall maintain appropriately indexed cumulative records of unclaimed vehicles reported to the director. Such records shall be kept open to public inspection during reasonable business hours.

5. The alteration or obliteration of the vehicle identification number on any such motor vehicle shall be prima facie evidence of larceny, and the dealer or person operating such public garage shall upon the discovery of such obliteration or alteration immediately notify the highway patrol, sheriff, marshal, constable or chief of police of the municipality where the dealer or garage keeper has his place of business, and shall hold such motor vehicle or trailer for a period of forty-eight hours for the purpose of an investigation by the officer so notified.

6. Any person who knowingly makes a false statement or omission of a material fact in a monthly sales report to the department of revenue, as described in subsection 1 of this section, shall be deemed guilty of a class A misdemeanor.

301.560. APPLICATION REQUIREMENTS, ADDITIONAL — BONDS, FEES — FUND — LICENSE NUMBER, CERTIFICATE OF NUMBERS — DUPLICATE DEALER PLATES, ISSUES, FEES — TEST DRIVING MOTOR VEHICLES AND VESSELS, USE OF PLATES — PROOF OF EDUCATIONAL SEMINAR REQUIRED, EXCEPTIONS, CONTENTS OF SEMINAR. — 1. In addition to the application forms prescribed by the department, each applicant shall submit the following to the department:

(1) Every application other than a renewal application for a motor vehicle franchise dealer shall include a certification that the applicant has a bona fide established place of business. Such application shall include an annual certification that the applicant has a bona fide established place of business for the first three years and only for every other year thereafter. The certification shall be performed by a uniformed member of the Missouri state highway patrol or authorized or designated employee stationed in the troop area in which the applicant's place of business is located; except that in counties of the first classification, certification may be performed by an officer of a metropolitan police department when the applicant's established place of business of distributing or selling motor vehicles or trailers is in the metropolitan area where the certifying metropolitan police officer is employed. When the application is being made for licensure as a boat manufacturer or boat dealer, certification shall be performed by a ~~uniformed member of the Missouri state water patrol stationed in the district area in which the applicant's place of business is located or by a~~ uniformed member of the Missouri state highway patrol **or authorized or designated employee** stationed in the troop area in which the applicant's place of business is located or, if the applicant's place of business is located within the jurisdiction of a

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metropolitan police department in a first class county, by an officer of such metropolitan police department. A bona fide established place of business for any new motor vehicle franchise dealer, used motor vehicle dealer, boat dealer, powersport dealer, wholesale motor vehicle dealer, trailer dealer, or wholesale or public auction shall be a permanent enclosed building or structure, either owned in fee or leased and actually occupied as a place of business by the applicant for the selling, bartering, trading, servicing, or exchanging of motor vehicles, boats, personal watercraft, or trailers and wherein the public may contact the owner or operator at any reasonable time, and wherein shall be kept and maintained the books, records, files and other matters required and necessary to conduct the business. The applicant shall maintain a working telephone number during the entire registration year which will allow the public, the department, and law enforcement to contact the applicant during regular business hours. The applicant shall also maintain an email address during the entire registration year which may be used for official correspondence with the department. In order to qualify as a bona fide established place of business for all applicants licensed pursuant to this section there shall be an exterior sign displayed carrying the name of the business set forth in letters at least six inches in height and clearly visible to the public and there shall be an area or lot which shall not be a public street on which multiple vehicles, boats, personal watercraft, or trailers may be displayed. The sign shall contain the name of the dealership by which it is known to the public through advertising or otherwise, which need not be identical to the name appearing on the dealership's license so long as such name is registered as a fictitious name with the secretary of state, has been approved by its line-make manufacturer in writing in the case of a new motor vehicle franchise dealer and a copy of such fictitious name registration has been provided to the department. Dealers who sell only emergency vehicles as defined in section 301.550 are exempt from maintaining a bona fide place of business, including the related law enforcement certification requirements, and from meeting the minimum yearly sales;

(2) The initial application for licensure shall include a photograph, not to exceed eight inches by ten inches but no less than five inches by seven inches, showing the business building, lot, and sign. A new motor vehicle franchise dealer applicant who has purchased a currently licensed new motor vehicle franchised dealership shall be allowed to submit a photograph of the existing dealership building, lot and sign but shall be required to submit a new photograph upon the installation of the new dealership sign as required by sections 301.550 to 301.580. Applicants shall not be required to submit a photograph annually unless the business has moved from its previously licensed location, or unless the name of the business or address has changed, or unless the class of business has changed;

(3) Every applicant as a new motor vehicle franchise dealer, a used motor vehicle dealer, a powersport dealer, a wholesale motor vehicle dealer, trailer dealer, or boat dealer shall furnish with the application a corporate surety bond or an irrevocable letter of credit as defined in section 400.5-102, issued by any state or federal financial institution in the penal sum of fifty thousand dollars on a form approved by the department. The bond or irrevocable letter of credit shall be conditioned upon the dealer complying with the provisions of the statutes applicable to new motor vehicle franchise dealers, used motor vehicle dealers, powersport dealers, wholesale motor vehicle dealers, trailer dealers, and boat dealers, and the bond shall be an indemnity for any loss sustained by reason of the acts of the person bonded when such acts constitute grounds for the suspension or revocation of the dealer's license. The bond shall be executed in the name of the state of Missouri for the benefit of all aggrieved parties or the irrevocable letter of credit shall name the state of Missouri as the beneficiary; except, that the aggregate liability of the surety or financial institution to the aggrieved parties shall, in no event, exceed the amount of the bond or irrevocable letter of credit. ~~[The proceeds of the bond or irrevocable letter of credit shall be paid upon receipt by the department of a final judgment from a Missouri court of competent jurisdiction against the principal and in favor of an aggrieved party.]~~ Additionally, every applicant as a new motor vehicle franchise dealer, a used motor vehicle dealer, a powersport dealer, a wholesale motor vehicle dealer, or boat dealer shall furnish with the application a copy of a current dealer garage policy bearing the policy number and name of the insurer and the insured. **The proceeds of the bond or**

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irrevocable letter of credit furnished by an applicant shall be paid upon receipt by the department of a final judgment from a Missouri court of competent jurisdiction against the principal and in favor of an aggrieved party. The proceeds of the bond or irrevocable letter of credit furnished by an applicant shall be paid at the order of the department and in the amount determined by the department to any buyer or interested lienholder up to the greater of the amount required for the release of the purchase money lien or the sales price paid by the buyer where a dealer has failed to fulfill the dealer's obligations under an agreement to assign and deliver title to the buyer within thirty days under a contract entered into pursuant to subsection 5 of section 301.210. The department shall direct release of the bond or irrevocable letter of credit proceeds upon presentation of a written agreement entered into pursuant to subsection 5 of section 301.210, copies of the associated sales and finance documents, and the affidavit or affidavits of the buyer or lienholder stating that the certificate of title with assignment thereof has not been passed to the buyer within thirty days of the date of the contract entered into under subsection 5 of section 301.210, that the dealer has not fulfilled the agreement under the contract to re-purchase the vehicle, that the buyer or the lienholder has notified the dealer of the claim on the bond or letter of credit, and the amount claimed by the purchaser or lienholder. In addition, prior to directing release and payment of the proceeds of a bond or irrevocable letter of credit, the department shall ensure that there is satisfactory evidence to establish that the vehicle which is subject to the written agreement has been returned by the buyer to the dealer or that the buyer has represented to the department that the buyer will surrender possession of the vehicle to the dealer upon payment of the proceeds of the bond or letter of credit directed by the department. Excepting ordinary wear and tear or mechanical failures not caused by the buyer, the amount of proceeds to be paid to the buyer under the bond or irrevocable letter of credit shall be reduced by an amount equivalent to any damage, abuse, or destruction incurred by the vehicle while the vehicle was in the buyer's possession as agreed between the buyer and the dealer. The dealer may apply to a court of competent jurisdiction to contest the claim on the bond or letter of credit, including the amount of the claim and the amount of any adjustment for any damage, abuse, or destruction, by filing a petition with the court within thirty days of the notification by the buyer or lienholder. If the dealer does not fulfill the agreement or file a petition to request judicial relief from the terms of the agreement or contest the amount of the claim, the bond or letter of credit shall be released by the department and directed paid in the amount or amounts presented by the lienholder or buyer;

(4) Payment of all necessary license fees as established by the department. In establishing the amount of the annual license fees, the department shall, as near as possible, produce sufficient total income to offset operational expenses of the department relating to the administration of sections 301.550 to 301.580. All fees payable pursuant to the provisions of sections 301.550 to 301.580, other than those fees collected for the issuance of dealer plates or certificates of number collected pursuant to subsection 6 of this section, shall be collected by the department for deposit in the state treasury to the credit of the "Motor Vehicle Commission Fund", which is hereby created. The motor vehicle commission fund shall be administered by the Missouri department of revenue. The provisions of section 33.080 to the contrary notwithstanding, money in such fund shall not be transferred and placed to the credit of the general revenue fund until the amount in the motor vehicle commission fund at the end of the biennium exceeds two times the amount of the appropriation from such fund for the preceding fiscal year or, if the department requires permit renewal less frequently than yearly, then three times the appropriation from such fund for the preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds the multiple of the appropriation from such fund for the preceding fiscal year.

2. In the event a new vehicle manufacturer, boat manufacturer, motor vehicle dealer, wholesale motor vehicle dealer, boat dealer, powersport dealer, wholesale motor vehicle auction, trailer dealer, or

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a public motor vehicle auction submits an application for a license for a new business and the applicant has complied with all the provisions of this section, the department shall make a decision to grant or deny the license to the applicant within eight working hours after receipt of the dealer's application, notwithstanding any rule of the department.

3. Except as otherwise provided in subsection 6 of this section, upon the initial issuance of a license by the department, the department shall assign a distinctive dealer license number or certificate of number to the applicant and the department shall issue one number plate or certificate bearing the distinctive dealer license number or certificate of number and two additional number plates or certificates of number within eight working hours after presentment of the application and payment by the applicant of a fee of fifty dollars for the first plate or certificate and ten dollars and fifty cents for each additional plate or certificate. Upon renewal, the department shall issue the distinctive dealer license number or certificate of number as quickly as possible. The issuance of such distinctive dealer license number or certificate of number shall be in lieu of registering each motor vehicle, trailer, vessel or vessel trailer dealt with by a boat dealer, boat manufacturer, manufacturer, public motor vehicle auction, wholesale motor vehicle dealer, wholesale motor vehicle auction or new or used motor vehicle dealer. The license plates described in this section shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.

4. Notwithstanding any other provision of the law to the contrary, the department shall assign the following distinctive dealer license numbers to:

New motor vehicle franchise dealers	D-0 through D-999
New powersport dealers	D-1000 through D-1999
Used motor vehicle and used powersport dealers	D-2000 through D-9999
Wholesale motor vehicle dealers	W-0 through W-1999
Wholesale motor vehicle auctions	WA-0 through WA-999
New and used trailer dealers	T-0 through T-9999
Motor vehicle, trailer, and boat manufacturers	DM-0 through DM-999
Public motor vehicle auctions	A-0 through A-1999
Boat dealers	M-0 through M-9999
New and used recreational motor vehicle dealers	RV-0 through RV-999

For purposes of this subsection, qualified transactions shall include the purchase of salvage titled vehicles by a licensed salvage dealer. A used motor vehicle dealer who also holds a salvage dealer's license shall be allowed one additional plate or certificate number per fifty-unit qualified transactions annually. In order for salvage dealers to obtain number plates or certificates under this section, dealers shall submit to the department of revenue on August first of each year a statement certifying, under penalty of perjury, the dealer's number of purchases during the reporting period of July first of the immediately preceding year to June thirtieth of the present year. The provisions of this subsection shall become effective on the date the director of the department of revenue begins to reissue new license plates under section 301.130, or on December 1, 2008, whichever occurs first. If the director of revenue begins reissuing new license plates under the authority granted under section 301.130 prior to December 1, 2008, the director of the department of revenue shall notify the revisor of statutes of such fact.

5. Upon the sale of a currently licensed motor vehicle dealership the department shall, upon request, authorize the new approved dealer applicant to retain the selling dealer's license number and shall cause the new dealer's records to indicate such transfer. If the new approved dealer applicant elects not to

retain the selling dealer's license number, the department shall issue the new dealer applicant a new dealer's license number and an equal number of plates or certificates as the department had issued to the selling dealer.

6. In the case of motor vehicle dealers, the department shall issue one number plate bearing the distinctive dealer license number and may issue one additional number plate to the applicant upon payment by the dealer of a fifty dollar fee for the number plate bearing the distinctive dealer license number and ten dollars and fifty cents for the additional number plate. The department may issue a third plate to the motor vehicle dealer upon completion of the dealer's fifteenth qualified transaction and payment of a fee of ten dollars and fifty cents. In the case of new motor vehicle manufacturers, powersport dealers, recreational motor vehicle dealers, and trailer dealers, the department shall issue one number plate bearing the distinctive dealer license number and may issue two additional number plates to the applicant upon payment by the manufacturer or dealer of a fifty dollar fee for the number plate bearing the distinctive dealer license number and ten dollars and fifty cents for each additional number plate. Boat dealers and boat manufacturers shall be entitled to one certificate of number bearing such number upon the payment of a fifty dollar fee. Additional number plates and as many additional certificates of number may be obtained upon payment of a fee of ten dollars and fifty cents for each additional plate or certificate. New motor vehicle manufacturers shall not be issued or possess more than three hundred forty-seven additional number plates or certificates of number annually. New and used motor vehicle dealers, powersport dealers, wholesale motor vehicle dealers, boat dealers, and trailer dealers are limited to one additional plate or certificate of number per ten-unit qualified transactions annually. New and used recreational motor vehicle dealers are limited to two additional plates or certificate of number per ten-unit qualified transactions annually for their first fifty transactions and one additional plate or certificate of number per ten-unit qualified transactions thereafter. An applicant seeking the issuance of an initial license shall indicate on his or her initial application the applicant's proposed annual number of sales in order for the director to issue the appropriate number of additional plates or certificates of number. A motor vehicle dealer, trailer dealer, boat dealer, powersport dealer, recreational motor vehicle dealer, motor vehicle manufacturer, boat manufacturer, or wholesale motor vehicle dealer obtaining a distinctive dealer license plate or certificate of number or additional license plate or additional certificate of number, throughout the calendar year, shall be required to pay a fee for such license plates or certificates of number computed on the basis of one-twelfth of the full fee prescribed for the original and duplicate number plates or certificates of number for such dealers' licenses, multiplied by the number of months remaining in the licensing period for which the dealer or manufacturers shall be required to be licensed. In the event of a renewing dealer, the fee due at the time of renewal shall not be prorated. Wholesale and public auctions shall be issued a certificate of dealer registration in lieu of a dealer number plate. In order for dealers to obtain number plates or certificates under this section, dealers shall submit to the department of revenue on August first of each year a statement certifying, under penalty of perjury, the dealer's number of sales during the reporting period of July first of the immediately preceding year to June thirtieth of the present year.

7. The plates issued pursuant to subsection 3 or 6 of this section may be displayed on any motor vehicle owned by a new motor vehicle manufacturer. The plates issued pursuant to subsection 3 or 6 of this section may be displayed on any motor vehicle or trailer owned and held for resale by a motor vehicle dealer for use by a customer who is test driving the motor vehicle, for use by any customer while the customer's vehicle is being serviced or repaired by the motor vehicle dealer, for use and display purposes during, but not limited to, parades, private events, charitable events, or for use by an employee or officer, but shall not be displayed on any motor vehicle or trailer hired or loaned to others or upon any regularly used service or wrecker vehicle. Motor vehicle dealers may display their dealer plates on a tractor, truck or trailer to demonstrate a vehicle under a loaded condition. Trailer dealers may display their dealer license plates in like manner, except such plates may only be displayed on trailers owned and held for resale by the trailer dealer.

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8. The certificates of number issued pursuant to subsection 3 or 6 of this section may be displayed on any vessel or vessel trailer owned and held for resale by a boat manufacturer or a boat dealer, and used by a customer who is test driving the vessel or vessel trailer, or is used by an employee or officer on a vessel or vessel trailer only, but shall not be displayed on any motor vehicle owned by a boat manufacturer, boat dealer, or trailer dealer, or vessel or vessel trailer hired or loaned to others or upon any regularly used service vessel or vessel trailer. Boat dealers and boat manufacturers may display their certificate of number on a vessel or vessel trailer when transporting a vessel or vessels to an exhibit or show.

9. If any law enforcement officer has probable cause to believe that any license plate or certificate of number issued under subsection 3 or 6 of this section is being misused in violation of subsection 7 or 8 of this section, the license plate or certificate of number may be seized and surrendered to the department.

10. (1) Every application for the issuance of a used motor vehicle dealer's license shall be accompanied by proof that the applicant, within the last twelve months, has completed an educational seminar course approved by the department as prescribed by subdivision (2) of this subsection. Wholesale and public auto auctions and applicants currently holding a new or used license for a separate dealership shall be exempt from the requirements of this subsection. The provisions of this subsection shall not apply to current new motor vehicle franchise dealers or motor vehicle leasing agencies or applicants for a new motor vehicle franchise or a motor vehicle leasing agency. The provisions of this subsection shall not apply to used motor vehicle dealers who were licensed prior to August 28, 2006.

(2) The educational seminar shall include, but is not limited to, the dealer requirements of sections 301.550 to 301.580, the rules promulgated to implement, enforce, and administer sections 301.550 to 301.580, and any other rules and regulations promulgated by the department.

301.564. INSPECTION OF CERTAIN DOCUMENTS AND ODOMETER READINGS IN POSSESSION OF DEALERS, MANUFACTURERS AND AUCTIONS — LAW ENFORCEMENT OFFICIAL, DEFINED. — 1. Any person or his agent licensed or registered as a manufacturer, motor vehicle dealer, wholesale motor vehicle dealer, boat dealer, wholesale motor vehicle auction or a public motor vehicle auction pursuant to the provisions of sections 301.550 to 301.580 shall permit an employee of the department of revenue or any law enforcement official to inspect, during normal business hours, any of the following documents which are in his possession or under his custody or control:

- (1) Any title to any motor vehicle or vessel;
 - (2) Any application for title to any motor vehicle or vessel;
 - (3) Any affidavit provided pursuant to sections 301.550 to 301.580 or chapter 407;
 - (4) Any assignment of title to any motor vehicle or vessel;
 - (5) Any disclosure statement or other document relating to mileage or odometer readings required by the laws of the United States or any other state;
 - (6) Any inventory and related documentation.
2. For purposes of this section, the term "law enforcement official" shall mean any of the following:
- (1) Attorney general, or any person designated by him to make such an inspection;
 - (2) Any prosecuting attorney or any person designated by a prosecuting attorney to make such an inspection;
 - (3) Any member **or authorized or designated employee** of the **Missouri state** highway patrol ~~for water patrol~~;
 - (4) Any sheriff or deputy sheriff;
 - (5) Any peace officer certified pursuant to chapter 590 acting in his official capacity.

301.576. THIRD-PARTY MOTOR VEHICLE REPORTS — IMMUNITY FROM LIABILITY, WHEN — INAPPLICABILITY, WHEN. — A motor vehicle dealer, as defined in section 301.550, and the dealer's owners, shareholders, officers, employees, and agents who, in conjunction with the actual or potential sale or lease of a motor vehicle, arrange to provide, actually provide, or otherwise make available to a vehicle purchaser, lessee, or other person any third-party motor vehicle history report shall not be liable to the vehicle purchaser, lessee, or other person for any errors, omissions, or other inaccuracies contained in the third-party motor vehicle history report that are not based on information provided directly to the preparer of the third-party motor vehicle history report by that dealer. For purposes of this section, a "third-party motor vehicle report" means any information prepared by a party other than the dealer relating to any one or more of the following: vehicle ownership or titling history; liens on the vehicle; vehicle service, maintenance, or repair history; vehicle condition; or vehicle accident or collision history. This section shall not apply in the case of any dealer having actual knowledge about a vehicle's accident, salvage, or service history which is different from, or not disclosed on, any third-party motor vehicle report.

301.3069. CENTRAL MISSOURI HONOR FLIGHT SPECIAL LICENSE PLATE — APPLICATION, PROCEDURE, FEE. — 1. Any Missouri resident may receive special license plates as prescribed in this section after an annual payment of an emblem-use authorization fee to Central Missouri Honor Flight. Central Missouri Honor Flight hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section for any vehicle the person owns, either solely or jointly, other than an apportioned motor vehicle or commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight. Any contribution to Central Missouri Honor Flight derived from this section, except reasonable administrative costs, shall be used solely for financial assistance to transport veterans to Washington D.C. to view various veteran memorials. Any Missouri resident may annually apply to Central Missouri Honor Flight for the use of the emblem.

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to Central Missouri Honor Flight, the organization shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the vehicle owner to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement and payment of the fee required for personalized license plates in section 301.144, and other fees and documents which may be required by law, the department of revenue shall issue personalized license plates, which shall bear the emblem of Central Missouri Honor Flight, to the vehicle owner.

3. The license plate or plates authorized by this section shall be of a design submitted by Central Missouri Honor Flight and approved by the department, shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. The bidding process used to select a vendor for the material to manufacture the license plates authorized by this section shall consider the aesthetic appearance of the plates.

4. A vehicle owner who was previously issued plates with the Central Missouri Honor Flight emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration shall be issued new plates which do not bear the Central Missouri Honor Flight emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section and shall design all necessary forms required by this section.

301.3159. MERITORIOUS SERVICE SPECIAL LICENSE PLATE — APPLICATION, PROCEDURE, FEE. — Any person who has been awarded the military service award known as the meritorious service medal may apply for special motor vehicle license plates for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight. Any such person shall make application for the special license plates on a form provided by the director of revenue and furnish such proof as a recipient of the meritorious service medal as the director may require. The director shall then issue license plates bearing letters or numbers or a combination thereof as determined by the advisory committee established in section 301.129, with the words "MERITORIOUS SERVICE" in place of the words "SHOW-ME STATE". Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Such plates shall also bear an image of the meritorious service medal. There shall be an additional fee charged for each set of meritorious service license plates issued under this section equal to the fee charged for personalized license plates. There shall be no limit on the number of license plates any person qualified under this section may obtain so long as each set of license plates issued under this section is issued for vehicles owned solely or jointly by such person. License plates issued under the provisions of this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle shall be entitled to operate the motor vehicle with such plates for the duration of the year licensed in the event of the death of the qualified person.

301.3174. ASSOCIATION OF MISSOURI ELECTRIC COOPERATIVES SPECIAL LICENSE PLATE, APPLICATION, FEE. — 1. Any Missouri resident may receive special license plates as prescribed in this section after an annual payment of an emblem-use authorization fee to the Association of Missouri Electric Cooperatives. The Association of Missouri Electric Cooperatives hereby authorizes the use of its official lineman emblem to be affixed on multiyear personalized license plates as provided in this section for any vehicle the person owns, either solely or jointly, ~~other than an apportioned motor vehicle or commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight~~. Any contribution to such association derived from this section, except reasonable administrative costs, shall be used solely for financial assistance for lineman training programs. Any Missouri resident may annually apply to the association for the use of the emblem.

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the Association of Missouri Electric Cooperatives, the association shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the vehicle owner to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement and payment of the fee required for personalized license plates in section 301.144, and other fees and documents which may be required by law, the department of revenue shall issue a personalized license plate or plates, which shall bear the emblem of the Association of Missouri Electric Cooperatives' lineman, to the vehicle owner. **Notwithstanding any provision of law to the contrary, the department of revenue shall issue the license plate or plates, as authorized in this section, for non-apportioned vehicles of any classification for which it issues a license plate or plates.**

3. The license plate or plates authorized by this section shall be of a design submitted by the Association of Missouri Electric Cooperatives and approved by the department, shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. The bidding process used to select a vendor for the material to manufacture the license plates authorized by this section shall consider the aesthetic appearance of the plate or plates.

4. A vehicle owner, who was previously issued a plate or plates with the Association of Missouri Electric Cooperatives' lineman emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate or plates which do not bear the Association of Missouri Electric Cooperatives' lineman emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section, and shall design all necessary forms required by this section.

301.3176. BACKSTOPPERS SPECIAL LICENSE PLATE — APPLICATION, PROCEDURE, FEE — RULEMAKING AUTHORITY. — 1. Any vehicle owner may apply for "BackStoppers" license plates for any motor vehicle the person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight. Upon making a ten dollar contribution to the BackStoppers General Operating Fund or to the BackStoppers Education Fund, the vehicle owner may apply for the "BackStoppers" plate. If the contribution is made directly to the BackStoppers General Operating Fund or to the BackStoppers Education Fund, the organization shall issue the individual making the contribution a receipt, verifying the contribution, that may be used to apply for the "BackStoppers" license plate. If the contribution is made directly to the director of revenue pursuant to section 301.3031, the director shall note the contribution and the owner may then apply for the "BackStoppers" plate. The applicant for such plate shall pay a fifteen dollar fee in addition to the regular registration fees and present any other documentation required by law for each set of "BackStoppers" plates issued pursuant to this section. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section. The "BackStoppers" plate shall bear the emblem of a thin blue line encompassed in black as prescribed by the director of revenue and shall have the word "BACKSTOPPERS". Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.

2. The director of revenue may promulgate rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2020, shall be invalid and void.

302.020. OPERATION OF MOTOR VEHICLE WITHOUT PROPER LICENSE PROHIBITED, PENALTY — MOTORCYCLES — SPECIAL LICENSE — PROTECTIVE HEADGEAR, FAILURE TO WEAR, FINE, AMOUNT — NO POINTS TO BE ASSESSED. — 1. Unless otherwise provided for by law, it shall be unlawful for any person, except those expressly exempted by section 302.080, to:

- (1) Operate any vehicle upon any highway in this state unless the person has a valid license;
- (2) Operate a motorcycle or motortricycle upon any highway of this state unless such person has a valid license that shows the person has successfully passed an examination for the operation of a motorcycle or motortricycle as prescribed by the director. The director may indicate such upon a valid license issued to such person, or shall issue a license restricting the applicant to the operation of a motorcycle or motortricycle if the actual demonstration, required by section 302.173, is conducted on such vehicle;
- (3) Authorize or knowingly permit a motorcycle or motortricycle owned by such person or under such person's control to be driven upon any highway by any person whose license does not indicate that

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the person has passed the examination for the operation of a motorcycle or motortricycle or has been issued an instruction permit therefor;

(4) Operate a motor vehicle with an instruction permit or license issued to another person.

2. Every person **under twenty-six years of age who is** operating or riding as a passenger on any motorcycle or motortricycle, as defined in section 301.010, upon any highway of this state shall wear protective headgear at all times the vehicle is in motion; **except that, any person twenty-six years of age or older operating any motorcycle or motortricycle who has been issued an instruction permit shall wear protective headgear at all times the vehicle is in motion.** The protective headgear shall meet reasonable standards and specifications established by the director. **No political subdivision of this state shall impose a protective headgear requirement on the operator or passenger of a motorcycle or motortricycle. No person shall be stopped, inspected, or detained solely to determine compliance with this subsection.**

3. Notwithstanding the provisions of section 302.340 any person convicted of violating subdivision (1) or (2) of subsection 1 of this section is guilty of a misdemeanor. A first violation of subdivision (1) or (2) of subsection 1 of this section shall be punishable as a class D misdemeanor. A second violation of subdivision (1) or (2) of subsection 1 of this section shall be punishable as a class A misdemeanor. Any person convicted a third or subsequent time of violating subdivision (1) or (2) of subsection 1 of this section is guilty of a class E felony. Notwithstanding the provisions of section 302.340, violation of subdivisions (3) and (4) of subsection 1 of this section is a misdemeanor, the first violation punishable as a class D misdemeanor, a second or subsequent violation of this section punishable as a class C misdemeanor, and the penalty for failure to wear protective headgear as required by subsection 2 of this section is an infraction for which a fine not to exceed twenty-five dollars may be imposed. Notwithstanding all other provisions of law and court rules to the contrary, no court costs shall be imposed upon any person due to such violation. No points shall be assessed pursuant to section 302.302 for a failure to wear such protective headgear. Prior pleas of guilty and prior findings of guilty shall be pleaded and proven in the same manner as required by section 558.021.

302.026. MOTORCYCLE OPERATORS TWENTY-SIX YEARS OF AGE OR OLDER, NO PROTECTIVE HEADGEAR REQUIRED, WHEN — PROOF OF INSURANCE COVERAGE REQUIRED.

— 1. Any qualified motorcycle operator who is twenty-six years of age or older may operate a motorcycle or motortricycle upon any highway of this state without wearing protective headgear if he or she in addition to maintaining proof of financial responsibility in accordance with chapter 303, is covered by a health insurance policy or other form of insurance which will provide the person with medical benefits for injuries incurred as a result of an accident while operating or riding on a motorcycle or motortricycle.

2. Proof of coverage required by subsection 1 of this section shall be provided, upon request by authorized law enforcement, by showing a copy of the qualified operator's insurance card.

3. No person shall be stopped, inspected, or detained solely to determine compliance with this section.

302.170. FEDERAL REAL ID ACT, COMPLIANCE WITH — DEFINITIONS — RETENTION OF DOCUMENTS — INAPPLICABILITY, WHEN — ISSUANCE OF COMPLIANT LICENSES AND ID CARDS, PROCEDURE — BIOMETRIC DATA RESTRICTIONS — PRIVACY — VIOLATIONS, CIVIL DAMAGES AND CRIMINAL PENALTIES — DATA RETENTION. — 1. As used in this section, the following terms shall mean:

(1) "Biometric data", shall include, but not be limited to, the following:

(a) ~~[Facial feature pattern characteristics;~~

~~(b)]~~ Voice data used for comparing live speech with a previously created speech model of a person's voice;

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~~[(e)]~~ (b) Iris recognition data containing color or texture patterns or codes;
~~[(d)]~~ (c) Retinal scans, reading through the pupil to measure blood vessels lining the retina;
~~[(e)]~~ (d) Fingerprint, palm prints, hand geometry, measure of any and all characteristics of biometric information, including shape and length of fingertips, or recording ridge pattern or fingertip characteristics;

~~[(f)]~~ Eye spacing;

~~[(g)]~~ (e) Characteristic gait or walk;

~~[(h)]~~ (f) DNA;

~~[(i)]~~ (g) Keystroke dynamic, measuring pressure applied to key pads or other digital receiving devices;

(2) "Commercial purposes", shall not include data used or compiled solely to be used for, or obtained or compiled solely for purposes expressly allowed under Missouri law or the federal Drivers Privacy Protection Act;

(3) "Source documents", original or certified copies, where applicable, of documents presented by an applicant as required under 6 CFR Part 37 to the department of revenue to apply for a driver's license or nondriver's license. Source documents shall also include any documents required for the issuance of driver's licenses or nondriver's licenses by the department of revenue under the provisions of this chapter or accompanying regulations.

2. Except as provided in subsection 3 of this section and as required to carry out the provisions of subsection 4 of this section, the department of revenue shall not retain copies, in any format, of source documents presented by individuals applying for or holding driver's licenses or nondriver's licenses or use technology to capture digital images of source documents so that the images are capable of being retained in electronic storage in a transferable format. ~~[Documents retained as provided or required by subsection 4 of this section shall be stored solely on a system not connected to the internet nor to a wide area network that connects to the internet. Once stored on such system, the documents and data shall be purged from any systems on which they were previously stored so as to make them irretrievable.]~~

3. The provisions of this section shall not apply to:

(1) Original application forms, which may be retained but not scanned except as provided in this section;

(2) Test score documents issued by state highway patrol driver examiners and Missouri commercial third-party tester examiners;

(3) Documents demonstrating lawful presence of any applicant who is not a citizen of the United States, including documents demonstrating duration of the person's lawful presence in the United States;

(4) Any document required to be retained under federal motor carrier regulations in Title 49, Code of Federal Regulations, including but not limited to documents required by federal law for the issuance of a commercial driver's license and a commercial driver instruction permit;

(5) Documents submitted by a commercial driver's license or commercial driver's instruction permit applicant who is a Missouri resident and is a qualified current or former military service member which allow for waiver of the commercial driver's license knowledge test, skills test, or both; and

(6) Any other document at the request of and for the convenience of the applicant ~~[where the applicant requests the department of revenue review alternative documents as proof required for issuance of a driver's license, nondriver's license, or instruction permit].~~

4. (1) To the extent not prohibited under subsection 13 of this section, the department of revenue shall amend procedures for applying for a driver's license or identification card in order to comply with the goals or standards of the federal REAL ID Act of 2005, any rules or regulations promulgated under the authority granted in such Act, or any requirements adopted by the American Association of Motor Vehicle Administrators for furtherance of the Act, unless such action conflicts with Missouri law.

(2) The department of revenue shall issue driver's licenses or identification cards that are compliant with the federal REAL ID Act of 2005, as amended, to all applicants for driver's licenses or identification

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cards unless an applicant requests a driver's license or identification card that is not REAL ID compliant. Except as provided in subsection 3 of this section and as required to carry out the provisions of this subsection, the department of revenue shall not retain the source documents of individuals applying for driver's licenses or identification cards not compliant with REAL ID. Upon initial application for a driver's license or identification card, the department shall inform applicants of the option of being issued a REAL ID compliant driver's license or identification card or a driver's license or identification card that is not compliant with REAL ID. The department shall inform all applicants:

(a) With regard to the REAL ID compliant driver's license or identification card:

a. Such card is valid for official state purposes and for official federal purposes as outlined in the federal REAL ID Act of 2005, as amended, such as domestic air travel and seeking access to military bases and most federal facilities;

b. Electronic copies of source documents will be retained by the department and destroyed after the minimum time required for digital retention by the federal REAL ID Act of 2005, as amended;

c. The facial image capture will only be retained by the department if the application is finished and submitted to the department; and

d. Any other information the department deems necessary to inform the applicant about the REAL ID compliant driver's license or identification card under the federal REAL ID Act;

(b) With regard to a driver's license or identification card that is not compliant with the federal REAL ID Act:

a. Such card is valid for official state purposes, but it is not valid for official federal purposes as outlined in the federal REAL ID Act of 2005, as amended, such as domestic air travel and seeking access to military bases and most federal facilities;

b. Source documents will be verified but no copies of such documents will be retained by the department unless permitted under subsection 3 of this section, except as necessary to process a request by a license or card holder or applicant;

c. Any other information the department deems necessary to inform the applicant about the driver's license or identification card.

5. The department of revenue shall not use, collect, obtain, share, or retain biometric data nor shall the department use biometric technology to produce a driver's license or nondriver's license or to uniquely identify licensees or license applicants. This subsection shall not apply to digital images nor licensee signatures required for the issuance of driver's licenses and nondriver's licenses **or for the use of software for purposes of combating fraud**, or to biometric data collected from employees of the department of revenue, employees of the office of administration who provide information technology support to the department of revenue, contracted license offices, and contracted manufacturers engaged in the production, processing, or manufacture of driver's licenses or identification cards in positions which require a background check in order to be compliant with the federal REAL ID Act or any rules or regulations promulgated under the authority of such Act. Except as otherwise provided by law, applicants' source documents and Social Security numbers shall not be stored in any database accessible by any other state or the federal government. Such database shall contain only the data fields included on driver's licenses and nondriver identification cards compliant with the federal REAL ID Act, and the driving records of the individuals holding such driver's licenses and nondriver identification cards.

6. Notwithstanding any provision of this chapter that requires an applicant to provide reasonable proof of lawful presence for issuance or renewal of a noncommercial driver's license, noncommercial instruction permit, or a nondriver's license, an applicant shall not have his or her privacy rights violated in order to obtain or renew a Missouri noncommercial driver's license, noncommercial instruction permit, or a nondriver's license.

7. No citizen of this state shall have his or her privacy compromised by the state or agents of the state. The state shall within reason protect the sovereignty of the citizens the state is entrusted to protect. Any data derived from a person's application shall not be sold for commercial purposes to any other

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organization or any other state without the express permission of the applicant without a court order; except such information may be shared with a law enforcement agency, judge, prosecuting attorney, or officer of the court, or with another state for the limited purposes set out in section 302.600, or for the purposes set forth in section 32.091, or for conducting driver history checks in compliance with the Motor Carrier Safety Improvement Act, 49 U.S.C. Section 31309. The state of Missouri shall protect the privacy of its citizens when handling any written, digital, or electronic data, and shall not participate in any standardized identification system using driver's and nondriver's license records except as provided in this section.

8. Other than to process a request by a license or card holder or applicant, no person shall **knowingly** access, distribute, or allow access to or distribution of any written, digital, or electronic data collected or retained under this section without the express permission of the applicant or a court order, except that such information may be shared with a law enforcement agency, judge, prosecuting attorney, or officer of the court, or with another state for the limited purposes set out in section 302.600 or for conducting driver history checks in compliance with the Motor Carrier Safety Improvement Act, 49 U.S.C. Section 31309. A first violation of this subsection shall be a class A misdemeanor. A second violation of this subsection shall be a class E felony. A third or subsequent violation of this subsection shall be a class D felony.

9. Any person harmed or damaged by any violation of this section may bring a civil action for damages, including noneconomic and punitive damages, as well as injunctive relief, in the circuit court where that person resided at the time of the violation or in the circuit court of Cole County to recover such damages from the department of revenue and any persons participating in such violation. Sovereign immunity shall not be available as a defense for the department of revenue in such an action. In the event the plaintiff prevails on any count of his or her claim, the plaintiff shall be entitled to recover reasonable attorney fees from the defendants.

10. The department of revenue may promulgate rules necessary to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2017, shall be invalid and void.

11. Biometric data, digital images, source documents, and licensee signatures, or any copies of the same, required to be collected or retained to comply with the requirements of the federal REAL ID Act of 2005 shall be digitally retained for no longer than the minimum duration required to maintain compliance, and immediately thereafter shall be securely destroyed so as to make them irretrievable.

12. No agency, department, or official of this state or of any political subdivision thereof shall use, collect, obtain, share, or retain radio frequency identification data from a REAL ID compliant driver's license or identification card issued by a state, nor use the same to uniquely identify any individual.

13. Notwithstanding any provision of law to the contrary, the department of revenue shall not amend procedures for applying for a driver's license or identification card, nor promulgate any rule or regulation, for purposes of complying with modifications made to the federal REAL ID Act of 2005 after August 28, 2017, imposing additional requirements on applications, document retention, or issuance of compliant licenses or cards, including any rules or regulations promulgated under the authority granted under the federal REAL ID Act of 2005, as amended, or any requirements adopted by the American Association of Motor Vehicle Administrators for furtherance thereof.

14. If the federal REAL ID Act of 2005 is modified or repealed such that driver's licenses and identification cards issued by this state that are not compliant with the federal REAL ID Act of 2005 are once again sufficient for federal identification purposes, the department shall not issue a driver's license

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or identification card that complies with the federal REAL ID Act of 2005 and shall securely destroy, within thirty days, any source documents retained by the department for the purpose of compliance with such Act.

[15. The provisions of this section shall expire five years after August 28, 2017.]

302.181. FORM OF LICENSE — INFORMATION SHOWN — DIGITAL IMAGE REQUIRED, EXCEPTION — TEMPORARY LICENSE — NONDRIVER'S LICENSE, FEE, DURATION — EXCEPTION — DIGITAL DRIVER'S LICENSE PROGRAM, REQUIREMENTS — RULEMAKING AUTHORITY. — 1. The license issued pursuant to the provisions of sections 302.010 to 302.340 shall be in such form as the director shall prescribe, but the license shall be a card made of plastic or other comparable material. All licenses shall be manufactured of materials and processes that will prohibit, as nearly as possible, the ability to reproduce, alter, counterfeit, forge, or duplicate any license without ready detection. ~~[All licenses shall bear the licensee's Social Security number, if the licensee has one, and if not, a notarized affidavit must be signed by the licensee stating that the licensee does not possess a Social Security number, or, if applicable, a certified statement must be submitted as provided in subsection 4 of this section.]~~ The license shall also bear the expiration date of the license, the classification of the license, the name, date of birth, residence address including the county of residence or a code number corresponding to such county established by the department, and brief description and colored ~~[photograph or]~~ digitized image of the licensee, and a facsimile of the signature of the licensee. The director shall provide by administrative rule the procedure and format for a licensee to indicate on the back of the license together with the designation for an anatomical gift as provided in section 194.240 the name and address of the person designated pursuant to sections 404.800 to 404.865 as the licensee's attorney in fact for the purposes of a durable power of attorney for health care decisions. No license shall be valid until it has been so signed by the licensee. If any portion of the license is prepared by a private firm, any contract with such firm shall be made in accordance with the competitive purchasing procedures as established by the state director of the division of purchasing. ~~[For all licenses issued or renewed after March 1, 1992, the applicant's Social Security number shall serve as the applicant's license number. Where the licensee has no Social Security number, or where the licensee is issued a license without a Social Security number in accordance with subsection 4 of this section, the director shall issue a license number for the licensee and such number shall also include an indicator showing that the number is not a Social Security number.]~~

2. All ~~[film involved in the production of photographs]~~ **digital images produced** for licenses shall become the property of the department of revenue.

3. The license issued shall be carried at all times by the holder thereof while driving a motor vehicle, and shall be displayed upon demand of any officer of the highway patrol, or any police officer or peace officer, or any other duly authorized person, for inspection when demand is made therefor. Failure of any operator of a motor vehicle to exhibit his or her license to any duly authorized officer shall be presumptive evidence that such person is not a duly licensed operator.

4. ~~[The director of revenue shall issue a commercial or noncommercial driver's license without a Social Security number to an applicant therefor, who is otherwise qualified to be licensed, upon presentation to the director of a certified statement that the applicant objects to the display of the Social Security number on the license. The director shall assign an identification number, that is not based on a Social Security number, to the applicant which shall be displayed on the license in lieu of the Social Security number.]~~

5. The director of revenue shall not issue a license without a facial ~~[photograph or]~~ digital image of the license applicant, except as provided pursuant to subsection 8 of this section. A ~~[photograph or]~~ digital image of the applicant's full facial features shall be taken in a manner prescribed by the director. No ~~[photograph or]~~ digital image ~~[will]~~ **shall** be taken wearing anything which cloaks the facial features of the individual.

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~~[6.]~~ **5.** The department of revenue may issue a temporary license or a full license without the photograph or with the last photograph or digital image in the department's records to members of the Armed Forces, except that where such temporary license is issued it shall be valid only until the applicant shall have had time to appear and have his or her picture taken and a license with his or her photograph issued.

~~[7.]~~ **6.** The department of revenue shall issue upon request a nondriver's license card containing essentially the same information and photograph or digital image, except as provided pursuant to subsection 8 of this section, as the driver's license upon payment of six dollars. All nondriver's licenses shall expire on the applicant's birthday in the sixth year after issuance. A person who has passed his or her seventieth birthday shall upon application be issued a nonexpiring nondriver's license card. Notwithstanding any other provision of this chapter, a nondriver's license containing a concealed carry endorsement shall expire three years from the date the certificate of qualification was issued pursuant to section 571.101, as section 571.101 existed prior to August 28, 2013. The fee for nondriver's licenses issued for a period exceeding three years is six dollars or three dollars for nondriver's licenses issued for a period of three years or less. The nondriver's license card shall be used for identification purposes only and shall not be valid as a license.

~~[8.]~~ **7.** If otherwise eligible, an applicant may receive a driver's license or nondriver's license without a photograph or digital image of the applicant's full facial features except that such applicant's photograph or digital image shall be taken and maintained by the director and not printed on such license. In order to qualify for a license without a photograph or digital image pursuant to this section the applicant must:

(1) Present a form provided by the department of revenue requesting the applicant's photograph be omitted from the license or nondriver's license due to religious affiliations. The form shall be signed by the applicant and another member of the religious tenant verifying the photograph or digital image exemption on the license or nondriver's license is required as part of their religious affiliation. The required signatures on the prescribed form shall be properly notarized;

(2) Provide satisfactory proof to the director that the applicant has been a United States citizen for at least five years and a resident of this state for at least one year, except that an applicant moving to this state possessing a valid driver's license from another state without a photograph shall be exempt from the one-year state residency requirement. The director may establish rules necessary to determine satisfactory proof of citizenship and residency pursuant to this section;

(3) Applications for a driver's license or nondriver's license without a photograph or digital image must be made in person at a license office determined by the director. The director is authorized to limit the number of offices that may issue a driver's or nondriver's license without a photograph or digital image pursuant to this section.

~~[9.]~~ **8.** The department of revenue shall make available, at one or more locations within the state, an opportunity for individuals to have their full facial photograph taken by an employee of the department of revenue, or their designee, who is of the same sex as the individual being photographed, in a segregated location.

~~[10.]~~ **9.** Beginning July 1, 2005, the director shall not issue a driver's license or a nondriver's license for a period that exceeds an applicant's lawful presence in the United States. The director may, by rule or regulation, establish procedures to verify the lawful presence of the applicant and establish the duration of any driver's license or nondriver's license issued under this section.

~~[11. No rule or portion of a rule promulgated pursuant to the authority of this chapter shall become effective unless it is promulgated pursuant to the provisions of chapter 536.]~~

10. (1) Notwithstanding any biometric data restrictions contained in section 302.170, the department of revenue is hereby authorized to design and implement a secure digital driver's license program that allows applicants applying for a driver's license in accordance with this

chapter to obtain a secure digital driver's license in addition to the physical card-based license specified in this section.

(2) A digital driver's license as described in this subsection shall be accepted for all purposes for which a license, as defined in section 302.010, is used.

(3) The department may contract with one or more entities to develop the secure digital driver's license system. The department or entity may develop a mobile software application capable of being utilized through a person's electronic device to access the person's secure digital driver's license.

(4) The department shall suspend, disable, or terminate a person's participation in the secure digital driver's license program if:

(a) The person's driving privilege is suspended, revoked, denied, withdrawn, or cancelled as provided in this chapter; or

(b) The person reports that the person's electronic device has been lost, stolen, or compromised.

11. The director of the department of revenue may promulgate rules as necessary for the implementation of this section. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after the effective date of this act shall be invalid and void.

302.205. MEDICAL ALERT NOTATION ON DRIVER'S LICENSE OR NONDRIVER'S IDENTIFICATION CARD, WHEN — PROCEDURE — RULEMAKING AUTHORITY. — 1. Any resident of this state may elect to have a medical alert notation placed on the person's driver's license or nondriver's identification card. The following conditions, illnesses, and disorders may be recorded on a driver's license or nondriver's identification card as medical alert information at the request of the applicant:

(1) Posttraumatic stress disorder;

(2) Diabetes;

(3) Heart conditions;

(4) Epilepsy;

(5) Drug allergies;

(6) Alzheimer's or dementia;

(7) Schizophrenia;

(8) Autism; or

(9) Other conditions as approved by the director of the department of revenue or his or her designee.

2. Any person requesting the inclusion of a medical alert notation on his or her driver's license or nondriver's identification card shall submit an application form to include a waiver of liability for the release of any medical information to the department, any person who is eligible for access to such medical information as recorded on the person's driving record under this chapter, and any other person who may view or receive notice of such medical information by virtue of having seen such person's driver's license or nondriver's identification card. Such application shall advise the person that he or she will be consenting to the release of such medical information to anyone who sees or copies his or her driver's license or nondriver's identification card, even if such person is otherwise ineligible to access such medical information under state or federal law.

3. Such application shall include space for a person requesting the inclusion of a medical alert notation on his or her driver's license or nondriver's identification card to obtain a sworn statement from a person licensed to practice medicine or psychology in this state verifying such diagnosis.

4. Any person who has been issued a driver's license or nondriver's identification card bearing medical alert information may be issued a replacement driver's license or nondriver's identification card excluding such medical alert information at his or her request and upon payment of the fee provided in this chapter for replacement of lost licenses or identification cards.

5. No medical alert information shall be printed on or removed from a driver's license or nondriver's identification card without the express consent of the licensee. If the licensee is a child under the age of eighteen, consent for the printing of medical alert information shall be provided by the parent or guardian of the child when he or she signs the application for the driver's license or nondriver's identification card. If the licensee is an incapacitated adult, consent for the printing of medical alert information shall be given by the guardian of such adult as appointed by a court of competent jurisdiction.

6. The director of the department of revenue may promulgate all necessary rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2020, shall be invalid and void.

302.720. OPERATION WITHOUT LICENSE PROHIBITED, EXCEPTIONS — INSTRUCTION PERMIT, USE, DURATION, FEE — LICENSE, TEST REQUIRED, CONTENTS, FEE — CERTIFICATION OF THIRD-PARTY TESTERS — CERTAIN PERSONS PROHIBITED FROM OBTAINING LICENSE, EXCEPTIONS — TESTING ACCOMMODATIONS FOR APPLICANTS WITH DISABILITIES, RULES, NULL AND VOID WHEN. — 1. Except when operating under an instruction permit as described in this section, no person may drive a commercial motor vehicle unless the person has been issued a commercial driver's license with applicable endorsements valid for the type of vehicle being operated as specified in sections 302.700 to 302.780. A commercial driver's instruction permit shall allow the holder of a valid license to operate a commercial motor vehicle when accompanied by the holder of a commercial driver's license valid for the vehicle being operated and who occupies a seat beside the individual, or reasonably near the individual in the case of buses, for the purpose of giving instruction in driving the commercial motor vehicle. No person may be issued a commercial driver's instruction permit until he or she has passed written tests which comply with the minimum federal standards. A commercial driver's instruction permit shall be nonrenewable and shall be valid for the vehicle being operated for a period of not more than one year, and shall not be issued until the permit holder has met all other requirements of sections 302.700 to 302.780, except for the driving test. The fee for such permit shall be ten dollars. The fee for a duplicate of such commercial driver's instruction permit shall be five dollars.

2. No person may be issued a commercial driver's license until he has passed written and driving tests for the operation of a commercial motor vehicle which complies with the minimum federal standards established by the Secretary and has satisfied all other requirements of the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570), as well as any other requirements imposed by state law. Beginning January 1, 2020, all applicants for a commercial driver's license shall complete any entry-level driver training program as established and required under 49 CFR 380.609. All

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applicants for a commercial driver's license shall have maintained the appropriate class of commercial driver's instruction permit issued by this state or any other state for a minimum of fourteen calendar days prior to the date of taking the skills test. Applicants for a hazardous materials endorsement must also meet the requirements of the U.S. Patriot Act of 2001 (Title X of Public Law 107-56) as specified and required by regulations promulgated by the Secretary. Nothing contained in this subsection shall be construed as prohibiting the director from establishing alternate testing formats for those who are functionally illiterate; provided, however, that any such alternate test must comply with the minimum requirements of the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570) as established by the Secretary.

(1) The written and driving tests shall be held at such times and in such places as the superintendent may designate. A twenty-five dollar examination fee shall be paid by the applicant upon completion of any written or driving test, except the examination fee shall be waived for applicants seventy years of age or older renewing a license with a school bus endorsement. The director shall delegate the power to conduct the examinations required under sections 302.700 to 302.780 to any member of the highway patrol or any person employed by the highway patrol qualified to give driving examinations. The written test shall only be administered in the English language. No translators shall be allowed for applicants taking the test.

(2) The director shall adopt and promulgate rules and regulations governing the certification of third-party testers by the department of revenue. Such rules and regulations shall substantially comply with the requirements of 49 CFR 383, Section 383.75. A certification to conduct third-party testing shall be valid for one year, and the department shall charge a fee of one hundred dollars to issue or renew the certification of any third-party tester.

(3) Beginning August 28, 2006, the director shall issue or renew third-party tester certification to community colleges established under chapter 178 or to private companies who own, lease, or maintain their own fleet and administer in-house testing to their employees, or to school districts and their agents that administer in-house testing to the school district's or agent's employees. Any third-party tester who violates any of the rules and regulations adopted and promulgated pursuant to this section shall be subject to having his certification revoked by the department. The department shall provide written notice and an opportunity for the third-party tester to be heard in substantially the same manner as provided in chapter 536. If any applicant submits evidence that he has successfully completed a test administered by a third-party tester, the actual driving test for a commercial driver's license may then be waived.

(4) Every applicant for renewal of a commercial driver's license shall provide such certifications and information as required by the Secretary and if such person transports a hazardous material must also meet the requirements of the U.S. Patriot Act of 2001 (Title X of Public Law 107-56) as specified and required by regulations promulgated by the Secretary. Such person shall be required to take the written test for such endorsement. A twenty-five dollar examination fee shall be paid upon completion of such tests.

(5) The director shall have the authority to waive the driving skills and written tests for any qualified current or former military service member applicant for a commercial driver's instruction permit or a commercial driver's license who is currently licensed at the time of application for a commercial driver's instruction permit or commercial driver's license. The director shall impose conditions and limitations and require certification and evidence to restrict the applicants from whom the department may accept the alternative requirements for the skills and written tests described in federal regulations 49 CFR 383.71 and 49 CFR 383.77. Applicant's shall meet all federal and state qualifications to operate a commercial vehicle. Applicants shall be required to complete all applicable tests, except when the applicant provides proof of approved military training sufficient for ~~waiver~~ **waiver** of the written knowledge and skills tests as specified in this subdivision and subdivision (5) of subsection 3 of section 302.170.

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3. A commercial driver's license or commercial driver's instruction permit may not be issued to a person while the person is disqualified from driving a commercial motor vehicle, when a disqualification is pending in any state or while the person's driver's license is suspended, revoked, or cancelled in any state; nor may a commercial driver's license be issued unless the person first surrenders in a manner prescribed by the director any commercial driver's license issued by another state, which license shall be returned to the issuing state for cancellation.

4. Beginning July 1, 2005, the director shall not issue an instruction permit under this section unless the director verifies that the applicant is lawfully present in the United States before accepting the application. The director may, by rule or regulation, establish procedures to verify the lawful presence of the applicant under this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536.

5. Notwithstanding the provisions of this section or any other law to the contrary, beginning August 28, 2008, the director of the department of revenue shall certify as a third-party tester any municipality that owns, leases, or maintains its own fleet that requires certain employees as a condition of employment to hold a valid commercial driver's license; and that administered in-house testing to such employees prior to August 28, 2006.

6. Notwithstanding the provisions of this section or any other law to the contrary, beginning December 1, 2019, the director of the department of revenue shall certify as a third-party tester any private education institution or other private entity, provided the institution or entity meets the necessary qualifications required by the state.

7. The director shall adopt and promulgate rules and regulations establishing a process for applicants with disabilities to request testing accommodations with respect to both the written and driving tests required under this section and to establish criteria for awarding such accommodations. The rules shall specify that a hearing test shall not be a component of the written test or driving test for any applicant who is deaf or hard of hearing. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2020, shall be invalid and void.

8. If the United States Secretary of Transportation determines that subsection 7 of this section has the effect of placing the state of Missouri in noncompliance with any federal constitutional, statutory, or regulatory provision that would result in the loss of any federal aid funds to the Missouri highways and transportation commission, then subsection 7 of this section shall be null and void.

302.723. DEAF AND HARD OF HEARING, ACCOMMODATIONS FOR TRAINING AND APPLICATION PROCESS — NULL AND VOID, WHEN. — 1. Notwithstanding any other provision of law, any entity providing commercial driver's license training to persons preparing to apply for commercial driver's licenses under the provisions of sections 302.700 to 302.780 shall provide reasonable accommodations for persons who are deaf or hard of hearing.

2. If the United States Secretary of Transportation determines that this section or subsection 7 of section 302.720 has the effect of placing the state of Missouri in noncompliance with any federal constitutional, statutory, or regulatory provision that would result in the loss of any federal aid funds to the Missouri highways and transportation commission, then this section shall be null and void.

303.026. DIRECTOR TO NOTIFY OWNERS WHO REGISTER VEHICLES, CONTENTS — AFFIDAVIT CERTIFYING FINANCIAL RESPONSIBILITY REQUIRED FOR REGISTRATION — DIRECTOR MAY USE SAMPLING TECHNIQUES TO VERIFY — INSURERS REQUIRED TO SUBMIT POLICY INFORMATION TO DIRECTOR, FORMAT, USE, DISCLOSURE — VIOLATIONS BY INSURER, PENALTY — NOTICE TO OWNER, WHEN. — 1. The director shall inform each owner who registers a motor vehicle of the following:

- (1) The existence of the requirement that every motor vehicle owner in the state must maintain his financial responsibility;
- (2) The requirement that every motor vehicle owner show an insurance identification card, or a copy thereof, or other proof of financial responsibility at the time of vehicle registration; this notice shall be given at least thirty days prior to the month for renewal and shall be shown in bold, colored print;
- (3) The penalties which apply to violations of the requirement to maintain financial responsibility;
- (4) The benefits of maintaining coverages in excess of those which are required;
- (5) The director's authority to conduct samples of Missouri motor vehicle owners to ensure compliance.

2. No motor vehicle owner shall be issued registration for a vehicle unless the owner, or his authorized agent, signs an affidavit provided by the director of revenue at the time of registration of the vehicle certifying that such owner has and will maintain, during the period of registration, financial responsibility with respect to each motor vehicle that is owned, licensed or operated on the streets or highways. The affidavit need not be notarized, but it shall be acknowledged by the person processing the form. The affidavit shall state clearly and in bold print the following: "Any false affidavit is a crime under section 575.050 of Missouri law.". In addition, every motor vehicle owner shall show proof of such financial responsibility by presenting his or her insurance identification card, as described in section 303.024, or a copy thereof, or some other proof of financial responsibility in the form prescribed by the director of revenue at the time of registration unless such owner registers his vehicle in conjunction with a reciprocity agreement entered into by the Missouri highway reciprocity commission pursuant to sections 301.271 to 301.279 or unless the owner insures the vehicle according to the requirements of the division of motor carrier and railroad safety pursuant to section 390.126.

3. To ensure compliance with this chapter, the director may utilize a variety of sampling techniques including but not limited to random samples of registrations subject to this section, uniform traffic tickets, insurance information provided to the director at the time of motor vehicle registration, and persons who during the preceding year have received a disposition of court-ordered supervision or suspension. The director may verify the financial responsibility of any person sampled or reported.

(1) Beginning January 1, 2001, the director may require such information, as in his or her discretion is necessary to enforce the requirements of subdivision (1) of subsection 1 of this section, to be submitted from the person's insurer or insurance company. When requested by the director of revenue, all licensed insurance companies in this state which sell private passenger (noncommercial) motor vehicle insurance policies shall report information regarding the issuance, nonrenewal and cancellation of such policies to the director, excluding policies issued to owners of fleet or rental vehicles or issued on vehicles that are insured pursuant to a commercial line policy. Such information shall be reported electronically in a format as prescribed by the director of the department of revenue by rule ~~[except that such rule shall provide for an exemption from electronic reporting for insurers with a statistically insignificant number of policies in force]~~.

(2) When required by the director of revenue, each insurance company shall provide to the department a record of each policy issued, cancelled, terminated or revoked during the period since the previous report. ~~[Nothing in this section shall prohibit insurance companies from reporting more frequently than once per month]~~ **The director of revenue may require insurance companies to provide such records as frequently as he or she deems necessary.**

(3) The director may use reports described in subdivision (1) of this subsection for sampling purposes as provided in this section.

4. Information provided to the department by an insurance company for use in accordance with this section is the property of the insurer and is not subject to disclosure pursuant to chapter 610. Such information may be utilized by the department for enforcement of this chapter but may not be disclosed except that the department shall disclose whether an individual is maintaining the required insurance coverage upon request of the following individuals and agencies only:

- (1) The individual;
- (2) The parent or legal guardian of an individual if the individual is an unemancipated minor;
- (3) The legal guardian of the individual if the individual is legally incapacitated;
- (4) Any person who has power of attorney from the individual;
- (5) Any person who submits a notarized release from the individual that is dated no more than ninety days before the request is made;
- (6) Any person claiming loss or injury in a motor vehicle accident in which the individual is involved;
- (7) The office of the state auditor, for the purpose of conducting any audit authorized by law.

5. The director may adopt any rules and regulations necessary to carry out the provisions of subdivisions (1) through (3) of subsection 3 of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid and void.

6. Any person or agency who knowingly discloses information received from insurance companies pursuant to this section for any purpose, or to a person, other than those authorized in this section is guilty of a class A misdemeanor. No insurer shall be liable to any person for performing its duties pursuant to this section unless and to the extent the insurer commits a willful and wanton act of omission.

7. The department of revenue shall notify the department of commerce and insurance of any insurer who violates any provisions of this section. The department of commerce and insurance may, against any insurer who knowingly fails to comply with this section, assess an administrative penalty up to five hundred dollars per day of noncompliance. The department of commerce and insurance may excuse the administrative penalty if an assessed insurer provides acceptable proof that such insurer's noncompliance was inadvertent, accidental or the result of excusable neglect. The penalty provisions of this section shall become effective six months after the rule issued pursuant to subsections 3 and 5 of this section is published in the code of state regulations.

8. To verify that financial responsibility is being maintained, the director shall notify the owner or operator of the need to provide, within fifteen days, proof of the existence of the required financial responsibility. The request shall require the owner or the operator to state whether or not the motor vehicle was insured on the verification date stated in the director's request. The request may include but not be limited to a statement of the names and addresses of insurers, policy numbers and expiration date of insurance coverage. Failure to provide such information shall result in the suspension of the registration of the owner's motor vehicle, and where applicable, the owner's or the operator's driving privilege, for failing to meet such requirements, as is provided in this chapter.

303.200. MISSOURI AUTOMOBILE INSURANCE PLAN FOR PERSONS UNABLE TO PROCURE INSURANCE BY ORDINARY MEANS — APPROVAL, PARTICIPATION BY COMPANIES — FUNCTION — PLAN OF OPERATION — LIABILITY LIMITATIONS. — 1. After consultation with insurance companies ~~[authorized to issue automobile liability policies]~~ having a certificate of

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authority to do business in this state **and actively writing motor vehicle liability policies**, the director of the department of commerce and insurance, **hereinafter referred to as the "director"**, shall approve a reasonable plan ~~[or plans for the equitable apportionment among such companies of applicants for such policies and for personal automobile and commercial motor vehicle liability]~~ **to provide motor vehicle insurance policies to applicants** who are in good faith entitled to but are unable to procure such policies through ordinary methods. **The plan shall be known as the Missouri Automobile Insurance Plan, hereinafter referred to as the "plan"**. When any such plan has been approved, all such insurance companies shall subscribe thereto and participate therein. ~~[The plan manager, on the plan's behalf, shall contract with an entity or entities to accept and service applicants and policies for any company that does not elect to accept and service applicants and policies. By October first of each year any company that elects to accept and service applicants and policies for the next calendar year for any such plan shall so notify the plan. Except as provided in subsection 2 of this section, any company that does not so notify a plan established for handling coverage for personal automobile risks shall be excused from accepting and servicing applicants and policies for the next calendar year for such plan and shall pay a fee to the plan or servicing entity for providing such services. The fee shall be based on the company's market share as determined by the company's writings of personal automobile risks in the voluntary market.]~~ Any applicant for ~~[any such]~~ **a policy under the plan**, any person insured under ~~[any such]~~ **the plan**, and any insurance company affected may appeal to the director from any ruling or decision of the ~~[manager or committee designated to operate such]~~ plan. Any person aggrieved hereunder by any order or act of the director may, within ten days after notice thereof, file a petition in the circuit court of the county of Cole for a review thereof. The court shall summarily hear the petition and may make any appropriate order or decree. ~~[As used in this section, the term "personal automobile" means a private passenger nonfleet vehicle, motorcycle, camper and travel trailer, antique auto, amphibious auto, motor home, named nonowner applicant, or a low speed vehicle subject to chapter 304 which is not primarily used for business or nonprofit interests and which is generally used for personal, family, or household purposes.]~~

2. If the total premium volume for any one plan established for handling coverage for personal automobile risks exceeds ten million dollars in a calendar year, a company with more than five percent market share of such risks in Missouri shall not be excused from accepting and servicing applicants and policies of such plan under subsection 1 of this section for the next calendar year, unless the governing body of the plan votes to allow any company with such market share the option to be excused.]

2. The plan shall perform its functions under a plan of operation and through a governing committee as prescribed in the plan of operation. Any plan of operation, prior to being placed in effect, shall be filed with and approved by the director. Any amendments to the plan of operation so adopted shall also be filed with and approved by the director prior to being placed in effect.

3. The plan of operation shall prescribe the issuance of motor vehicle insurance policies by the plan, which may include the administration of such policies by:

(1) A third-party administrator that has a certificate of authority to do business in this state;

(2) A nationally recognized management organization and service provider that specializes in the administration of motor vehicle insurance residual market mechanisms, subject to the approval of the director; or

(3) An insurance company that has a certificate of authority to do business in this state.

4. No form of a policy, endorsement, rider, manual of classifications, rules, or rates, no rating plan, nor any modification of any of them proposed to be used by the plan shall be used prior to approval by the director.

5. Any policy of insurance issued by the plan shall conform to the provisions of this chapter and any insurance law of this state applicable to motor vehicle insurance policies, except any law that specifically exempts the plan from the purview of the law.

6. The plan shall:

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

(1) File with the director, no later than June thirtieth of each year, annual audited financial reports for the preceding year;

(2) Be subject to examination by the director under sections 374.205 to 374.207;

(3) Have the authority to make assessments on member insurance companies if the funds from policyholder premiums and other revenues are not sufficient for the sound operation of the plan. An assessment upon a member insurance company shall be in the same proportion to its share of the voluntary market premium for the type of policies written under the plan. The procedures for levying assessment shall be prescribed in the plan of operation.

7. There shall be no liability imposed on the part of, and no cause of action of any nature shall arise against, any member insurer or any member of the governing committee for any omission or action taken by them in the performance of their powers and duties under this section.

304.170. REGULATIONS AS TO WIDTH, HEIGHT AND LENGTH OF VEHICLES — INAPPLICABILITY, WHEN — IMPLEMENTS OF HUSBANDRY DEFINED — SLUDGE DISPOSAL UNITS. — 1. No vehicle operated upon the highways of this state shall have a width, including load, in excess of one hundred two inches, except clearance lights, rearview mirrors or other accessories required by federal, state or city law or regulation. Provided however, a recreational vehicle as defined in section 700.010 may exceed the foregoing width limits if the appurtenances on such recreational vehicle extend no further than the rearview mirrors. Such mirrors may only extend the distance necessary to provide the required field of view before the appurtenances were attached.

2. No vehicle operated upon the interstate highway system or upon any route designated by the state highways and transportation commission shall have a height, including load, in excess of fourteen feet. On all other highways, no vehicle shall have a height, including load, in excess of thirteen and one-half feet, except that any vehicle or combination of vehicles transporting automobiles or other motor vehicles may have a height, including load, of not more than fourteen feet.

3. No single motor vehicle operated upon the highways of this state shall have a length, including load, in excess of forty-five feet, except as otherwise provided in this section.

4. No bus, recreational motor vehicle or trackless trolley coach operated upon the highways of this state shall have a length in excess of forty-five feet, except that such vehicles may exceed the forty-five foot length when such excess length is caused by the projection of a front safety bumper or a rear safety bumper or both. Such safety bumper shall not cause the length of the bus or recreational motor vehicle to exceed the forty-five foot length limit by more than one foot in the front and one foot in the rear. Notwithstanding any provision of this section to the contrary, an articulated bus, comprised of two or more sections connected by a flexible joint or other mechanism, may be up to sixty feet in length, not including safety bumpers which may extend one foot in front and one foot in the rear, and not including bicycle storage racks which may extend over the safety bumper by up to five feet when in the down position transporting a bicycle. The term "safety bumper" means any device which may be fitted on an existing bumper or which replaces the bumper and is so constructed, treated, or manufactured that it absorbs energy upon impact.

5. No combination of truck-tractor and semitrailer or truck-tractor equipped with dromedary and semitrailer operated upon the highways of this state shall have a length, including load, in excess of sixty feet; except that in order to comply with the provisions of P.L. 97-424 codified in Title 23 of the United States Code, 23 U.S.C. Section 101, et al., as amended, no combination of truck-tractor and semitrailer or truck-tractor equipped with dromedary and semitrailer operated upon the interstate highway system of this state shall have an overall length, including load, in excess of the length of the truck-tractor plus the semitrailer or truck-tractor equipped with dromedary and semitrailer. The length of such semitrailer shall not exceed fifty-three feet.

6. In order to comply with the provisions of P.L. 97-424 codified in Title 23 of the United States Code, 23 U.S.C. Section 101, et al., as amended, no combination of truck-tractor, semitrailer and trailer

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operated upon the interstate highway system of this state shall have an overall length, including load, in excess of the length of the truck-tractor plus the semitrailer and trailer, neither of which semitrailer or trailer shall exceed twenty-eight feet in length, except that any existing semitrailer or trailer up to twenty-eight and one-half feet in length actually and lawfully operated on December 1, 1982, within a sixty-five foot overall length limit in any state, may continue to be operated upon the interstate highways of this state. On those primary highways not designated by the state highways and transportation commission as provided in subsection 11 of this section, no combination of truck-tractor, semitrailer and trailer shall have an overall length, including load, in excess of sixty-five feet; provided, however, the commission may designate additional routes for such sixty-five foot combinations.

7. (1) Automobile transporters, boat transporters, truck-trailer boat transporter combinations, and stinger-steered combination boat transporters having a length not in excess of seventy-five feet may be operated on the interstate highways of this state and such other highways as may be designated by the commission for the operation of such vehicles plus a distance not to exceed ten miles from such interstate or designated highway. All length provisions regarding automobile or boat transporters, truck-trailer boat transporter combinations and stinger-steered combination boat transporters shall include a semitrailer length not to exceed fifty-three feet and are exclusive of front and rear overhang, which shall be no greater than a three-foot front overhang and no greater than a four-foot rear overhang.

(2) Stinger-steered combination automobile transporters having a length not in excess of eighty feet may be operated on the interstate highways of this state and such other highways as may be designated by the commission for the operation of such vehicles plus a distance not to exceed ten miles from such interstate or designated highway. All length provisions regarding stinger-steered automobile combination transporters are exclusive of front and rear overhang, which shall be no greater than a four-foot front overhang and no greater than a six-foot rear overhang.

(3) Automobile transporters may transport cargo or general freight on a backhaul, as long as in compliance with weight limitations for a truck-tractor and semitrailer combination as outlined in section 304.180.

8. Driveaway saddlemount combinations having a length not in excess of ninety-seven feet may be operated on the interstate highways of this state and such other highways as may be designated by the commission for the operation of such vehicles plus a distance not to exceed ten miles from such interstate or designated highway. Saddlemount combinations must comply with the safety requirements of Section 393.71 of Title 49 of the Code of Federal Regulations and may contain no more than three saddlemounted vehicles and one fullmount.

9. No truck-tractor semitrailer-semitrailer combination vehicles operated upon the interstate and designated primary highway system of this state shall have a semitrailer length in excess of twenty-eight feet or twenty-eight and one-half feet if the semitrailer was in actual and lawful operation in any state on December 1, 1982, operating in a truck-tractor semitrailer-semitrailer combination. The B-train assembly is excluded from the measurement of semitrailer length when used between the first and second semitrailer of a truck-tractor semitrailer-semitrailer combination, except that when there is no semitrailer mounted to the B-train assembly, it shall be included in the length measurement of the semitrailer.

10. No towaway trailer transporter combination vehicles operated upon the interstate and designated primary highway system of this state shall have an overall length of more than eighty-two feet.

11. The commission is authorized to designate routes on the state highway system other than the interstate system over which those combinations of vehicles of the lengths specified in subsections 5, 6, 7, 8, 9, and 10 of this section may be operated. Combinations of vehicles operated under the provisions of subsections 5, 6, 7, 8, 9, and 10 of this section may be operated at a distance not to exceed ten miles from the interstate system and such routes as designated under the provisions of this subsection.

12. Except as provided in subsections 5, 6, 7, 8, 9, 10, and 11 of this section, no other combination of vehicles operated upon the primary or interstate highways of this state plus a distance of ten miles from a primary or interstate highway shall have an overall length, unladen or with load, in excess of sixty-five feet or in excess of fifty-five feet on any other highway.

13. (1) Except as hereinafter provided, these restrictions shall not apply to:

(a) Agricultural implements operating occasionally on the highways for short distances including tractor parades for fund-raising activities or special events, provided the tractors are driven by licensed drivers during daylight hours only and with the approval of the superintendent of the Missouri state highway patrol; ~~or to~~

(b) Self-propelled hay-hauling equipment or to implements of husbandry, or to the movement of farm products as defined in section 400.9-102 or to vehicles temporarily transporting agricultural implements or implements of husbandry or road-making machinery, or road materials or towing for repair purposes vehicles that have become disabled upon the highways; ~~or to~~

(c) **Vehicles towing trailers specifically designed to carry harvested cotton, either as a single trailer or in tandem, with a total length, including the trailer or trailers, of not more than ninety-three feet; such vehicles shall only be used to haul harvested cotton, except when hauling hay within the state to areas affected by drought as determined by the National Drought Mitigation Center; or**

(d) Implement dealers delivering or moving farm machinery for repairs on any state highway other than the interstate system.

(2) Implements of husbandry and vehicles transporting such machinery or equipment and the movement of farm products as defined in section 400.9-102 may be operated occasionally for short distances on state highways when operated between the hours of sunrise and sunset by a driver licensed as an operator or chauffeur.

(3) Notwithstanding any other provision of law to the contrary, agricultural machinery and implements may be operated on state highways between the hours of sunset and sunrise for agricultural purposes provided such vehicles are equipped with lighting meeting the requirements of section 307.115.

14. As used in this chapter the term "implements of husbandry" means all self-propelled machinery operated at speeds of less than thirty miles per hour, specifically designed for, or especially adapted to be capable of, incidental over-the-road and primary offroad usage and used exclusively for the application of commercial plant food materials or agricultural chemicals, and not specifically designed or intended for transportation of such chemicals and materials.

15. Sludge disposal units may be operated on all state highways other than the interstate system. Such units shall not exceed one hundred thirty-eight inches in width and may be equipped with over-width tires. Such units shall observe all axle weight limits. The commission shall issue special permits for the movement of such disposal units and may by such permits restrict the movements to specified routes, days and hours.

304.172. FIRE-FIGHTING EQUIPMENT EXEMPT FROM SIZE RESTRICTIONS. — The provisions of sections 304.170 to 304.240 relating to height, width, ~~weight,~~ and length ~~and load~~ restrictions for motor vehicles shall not apply to any motor vehicle and its attached apparatus which is designed for use and used by a fire department, fire protection district or volunteer fire protection association or when being operated by a fire apparatus manufacturer or sales organization for the purpose of sale, demonstration, exhibit, or delivery to a fire department, fire protection district or volunteer fire protection association.

304.180. REGULATIONS AS TO WEIGHT — AXLE LOAD, TANDEM AXLE DEFINED — TRANSPORT OF SPECIFIC ITEMS, TOTAL GROSS WEIGHT PERMITTED — REQUIREMENTS

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DURING DISASTERS — EMERGENCY VEHICLES, MAXIMUM GROSS WEIGHT — NATURAL GAS FUELED VEHICLES, INCREASE IN MAXIMUM GROSS WEIGHT, WHEN. — 1. No vehicle or combination of vehicles shall be moved or operated on any highway in this state having a greater weight than twenty thousand pounds on one axle, no combination of vehicles operated by transporters of general freight over regular routes as defined in section 390.020 shall be moved or operated on any highway of this state having a greater weight than the vehicle manufacturer's rating on a steering axle with the maximum weight not to exceed twelve thousand pounds on a steering axle, and no vehicle shall be moved or operated on any state highway of this state having a greater weight than thirty-four thousand pounds on any tandem axle; the term "tandem axle" shall mean a group of two or more axles, arranged one behind another, the distance between the extremes of which is more than forty inches and not more than ninety-six inches apart.

2. An "axle load" is defined as the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes forty inches apart, extending across the full width of the vehicle.

3. Subject to the limit upon the weight imposed upon a highway of this state through any one axle or on any tandem axle, the total gross weight with load imposed by any group of two or more consecutive axles of any vehicle or combination of vehicles shall not exceed the maximum load in pounds as set forth in the following table:

Distance in feet between the extremes of any group of two or more consecutive axles, measured to the nearest foot, except where indicated otherwise

Feet	Maximum load in pounds				
	2 axles	3 axles	4 axles	5 axles	6 axles
4	34,000				
5	34,000				
6	34,000				
7	34,000				
8	34,000	34,000			
More than 8	38,000	42,000			
9	39,000	42,500			
10	40,000	43,500			
11	40,000	44,000			
12	40,000	45,000	50,000		
13	40,000	45,500	50,500		
14	40,000	46,500	51,500		
15	40,000	47,000	52,000		
16	40,000	48,000	52,500	58,000	
17	40,000	48,500	53,500	58,500	
18	40,000	49,500	54,000	59,000	
19	40,000	50,000	54,500	60,000	
20	40,000	51,000	55,500	60,500	66,000
21	40,000	51,500	56,000	61,000	66,500
22	40,000	52,500	56,500	61,500	67,000
23	40,000	53,000	57,500	62,500	68,000
24	40,000	54,000	58,000	63,000	68,500
25	40,000	54,500	58,500	63,500	69,000
26	40,000	55,500	59,500	64,000	69,500
27	40,000	56,000	60,000	65,000	70,000
28	40,000	57,000	60,500	65,500	71,000

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29	40,000	57,500	61,500	66,000	71,500
30	40,000	58,500	62,000	66,500	72,000
31	40,000	59,000	62,500	67,500	72,500
32	40,000	60,000	63,500	68,000	73,000
33	40,000	60,000	64,000	68,500	74,000
34	40,000	60,000	64,500	69,000	74,500
35	40,000	60,000	65,500	70,000	75,000
36		60,000	66,000	70,500	75,500
37		60,000	66,500	71,000	76,000
38		60,000	67,500	72,000	77,000
39		60,000	68,000	72,500	77,500
40		60,000	68,500	73,000	78,000
41		60,000	69,500	73,500	78,500
42		60,000	70,000	74,000	79,000
43		60,000	70,500	75,000	80,000
44		60,000	71,500	75,500	80,000
45		60,000	72,000	76,000	80,000
46		60,000	72,500	76,500	80,000
47		60,000	73,500	77,500	80,000
48		60,000	74,000	78,000	80,000
49		60,000	74,500	78,500	80,000
50		60,000	75,500	79,000	80,000
51		60,000	76,000	80,000	80,000
52		60,000	76,500	80,000	80,000
53		60,000	77,500	80,000	80,000
54		60,000	78,000	80,000	80,000
55		60,000	78,500	80,000	80,000
56		60,000	79,500	80,000	80,000
57		60,000	80,000	80,000	80,000

Notwithstanding the above table, two consecutive sets of tandem axles may carry a gross load of thirty-four thousand pounds each if the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six feet or more.

4. Whenever the state highways and transportation commission finds that any state highway bridge in the state is in such a condition that use of such bridge by vehicles of the weights specified in subsection 3 of this section will endanger the bridge, or the users of the bridge, the commission may establish maximum weight limits and speed limits for vehicles using such bridge. The governing body of any city or county may grant authority by act or ordinance to the commission to enact the limitations established in this section on those roadways within the purview of such city or county. Notice of the weight limits and speed limits established by the commission shall be given by posting signs at a conspicuous place at each end of any such bridge.

5. Nothing in this section shall be construed as permitting lawful axle loads, tandem axle loads or gross loads in excess of those permitted under the provisions of P.L. 97-424 codified in Title 23 of the United States Code (23 U.S.C. Section 101, et al.), as amended.

6. Notwithstanding the weight limitations contained in this section, any vehicle or combination of vehicles operating on highways other than the interstate highway system may exceed single axle, tandem axle and gross weight limitations in an amount not to exceed two thousand pounds. However, total gross weight shall not exceed eighty thousand pounds, except as provided in subsections 9, 10, 12, and 13 of this section.

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7. Notwithstanding any provision of this section to the contrary, the commission shall issue a single-use special permit, or upon request of the owner of the truck or equipment shall issue an annual permit, for the transporting of any crane or concrete pump truck or well-drillers' equipment. The commission shall set fees for the issuance of permits and parameters for the transport of cranes pursuant to this subsection. Notwithstanding the provisions of section 301.133, cranes, concrete pump trucks, or well-drillers' equipment may be operated on state-maintained roads and highways at any time on any day.

8. Notwithstanding the provision of this section to the contrary, the maximum gross vehicle limit and axle weight limit for any vehicle or combination of vehicles equipped with an idle reduction technology may be increased by a quantity necessary to compensate for the additional weight of the idle reduction system as provided for in 23 U.S.C. Section 127, as amended. In no case shall the additional weight increase allowed by this subsection be greater than five hundred fifty pounds. Upon request by an appropriate law enforcement officer, the vehicle operator shall provide proof that the idle reduction technology is fully functional at all times and that the gross weight increase is not used for any purpose other than for the use of idle reduction technology.

9. Notwithstanding any provision of this section or any other law to the contrary, the total gross weight of any vehicle or combination of vehicles hauling milk, from a farm to a processing facility or livestock may be as much as, but shall not exceed, eighty-five thousand five hundred pounds while operating on highways other than the interstate highway system. The provisions of this subsection shall not apply to vehicles operated and operating on the Dwight D. Eisenhower System of Interstate and Defense Highways.

10. Notwithstanding any provision of this section or any other law to the contrary, any vehicle or combination of vehicles hauling grain or grain coproducts during times of harvest may be as much as, but not exceeding, ten percent over the maximum weight limitation allowable under subsection 3 of this section while operating on highways other than the interstate highway system. The provisions of this subsection shall not apply to vehicles operated and operating on the Dwight D. Eisenhower System of Interstate and Defense Highways.

11. Notwithstanding any provision of this section or any other law to the contrary, the commission shall issue emergency utility response permits for the transporting of utility wires or cables, poles, and equipment needed for repair work immediately following a disaster where utility service has been disrupted. Under exigent circumstances, verbal approval of such operation may be made either by the department of transportation motor carrier compliance supervisor or other designated motor carrier services representative. Utility vehicles and equipment used to assist utility companies granted special permits under this subsection may be operated and transported on state-maintained roads and highways at any time on any day. The commission shall promulgate all necessary rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2014, shall be invalid and void.

12. Notwithstanding any provision of this section to the contrary, emergency vehicles designed to be used under emergency conditions to transport personnel and equipment and to **support the suppression of fires and** mitigate hazardous situations may have a maximum gross vehicle weight of eighty-six thousand pounds inclusive of twenty-four thousand pounds on a single steering axle; thirty-three thousand five hundred pounds on a single drive axle; sixty-two thousand pounds on a tandem axle; or fifty-two thousand pounds on a tandem rear-drive steer axle; **except that, such emergency vehicles shall only operate on the Dwight D. Eisenhower National System of Interstate and Defense Highways.**

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13. Notwithstanding any provision of this section to the contrary, a vehicle operated by an engine fueled primarily by natural gas may operate upon the public highways of this state in excess of the vehicle weight limits set forth in this section by an amount that is equal to the difference between the weight of the vehicle attributable to the natural gas tank and fueling system carried by that vehicle and the weight of a comparable diesel tank and fueling system. In no event shall the maximum gross vehicle weight of the vehicle operating with a natural gas engine exceed eighty-two thousand pounds.

305.800. DEFINITIONS. — As used in sections 305.800 to 305.810, the following terms mean:

(1) "Abandoned aircraft", an aircraft left in a wrecked, inoperative, or partially dismantled condition at an airport; or an aircraft that has remained in an idle state at an airport for forty-five consecutive calendar days without a contractual agreement between the owner or operator of the aircraft and the airport for use of the airport premises;

(2) "Airport superintendent", the person or group of people authorized to make decisions on behalf of an airport;

(3) "Derelict aircraft", any aircraft that is not in a flyable condition, does not have a current certificate of airworthiness issued by the Federal Aviation Administration, and is not in the process of actively being repaired.

305.802. DERELICT OR ABANDONED AIRCRAFT DISCOVERED, AIRPORT SUPERINTENDENT DUTIES — NOTIFICATION OF OWNER. — 1. If a derelict aircraft or abandoned aircraft is discovered on airport property, the airport superintendent shall:

(1) Make a record of the date the aircraft was discovered on the airport property; and

(2) Inquire as to the name and address of any person having an equitable or legal interest in the aircraft, including the owner and any lienholders, by:

(a) Contacting the Federal Aviation Administration, aircraft registration branch, and making a diligent search of the appropriate records; or

(b) Contacting an aircraft title search company.

2. Within ten business days of receiving the information requested under subsection 1 of this section, the airport superintendent shall notify the owner and all other interested parties by certified mail, return receipt requested:

(1) Of the location of the derelict or abandoned aircraft on the airport property;

(2) That fees and charges for the use of the airport by the aircraft have accrued and the amount of those fees and charges;

(3) That the aircraft is subject to a lien under section 305.806 for any unpaid and accrued fees and charges for the use of the airport and for the transportation, storage, and removal of the aircraft;

(4) That the lien is subject to enforcement under this section;

(5) That the airport may use, trade, sell, or remove the aircraft as described in section 305.804 if, within thirty calendar days after the date of receipt of the notice, the owner or other interested party has not removed the aircraft from the airport and paid in full all accrued fees and charges for the use of the airport and for the transportation, storage, and removal of the aircraft; and

(6) That the airport superintendent may remove the aircraft in less than thirty calendar days if the aircraft poses a danger to the health or safety of users of the airport, as determined by the airport superintendent.

3. (1) If the owner of the aircraft is unknown or cannot be found after the inquiry required under subdivision (2) of subsection 1 of this section, the airport superintendent shall place a notice upon the aircraft in a conspicuous place containing the information required under subdivisions (2), (3), (4), (5), and (6) of subsection 2 of this section.

(2) The notice required under subdivision (1) of this subsection shall be not less than eight inches by ten inches and shall be laminated or otherwise sufficiently weatherproof to withstand normal exposure to rain, snow, and other conditions.

305.804. FAILURE TO REMOVE, AIRPORT SUPERINTENDENT'S AUTHORITY — SALE OR DISPOSAL OF AIRCRAFT, REQUIREMENTS — LIABILITY OF OWNER FOR COSTS. — 1. If the owner or other interested party has not removed the aircraft from the airport and paid in full all accrued fees and charges for the use of the airport and for the transportation, storage, and removal of the aircraft, or shown reasonable cause for the failure to do so within thirty calendar days of the airport superintendent posting notice under section 305.802, the airport superintendent may:

(1) Retain the aircraft for use by the airport, the state, or the unit of local government owning or operating the airport;

(2) Trade the aircraft to another unit of local government or a state agency;

(3) Sell the aircraft; or

(4) Dispose of the aircraft through an appropriate refuse removal company or a company that provides salvage services for aircraft.

2. If the airport superintendent elects to sell the aircraft in accordance with subdivision (3) of subsection 1 of this section, the aircraft shall be sold at public auction after giving notice of the time and place of sale, at least ten calendar days prior to the date of sale, in a newspaper of general circulation within the county where the airport is located and after providing written notice of the intended sale to all parties known to have an interest in the aircraft.

3. If the airport superintendent elects to dispose of the aircraft in accordance with subdivision (4) of subsection 1 of this section, the airport superintendent shall be entitled to negotiate with the company for a price to be received from the company in payment for the aircraft, or, if circumstances so warrant, a price to be paid to the company by the airport superintendent for the costs of disposing of the aircraft. All information and records pertaining to the establishment of the price and the justification for the amount of the price shall be prepared and maintained by the airport superintendent.

4. If the sale price or the negotiated price is less than the airport superintendent's current fees and charges against the aircraft, the owner of the aircraft shall remain liable to the airport superintendent for the fees and charges that are not offset by the sale price or negotiated price.

5. All costs incurred by the airport superintendent in the removal, storage, and sale of any aircraft shall be recoverable against the owner of the aircraft.

305.806. LIEN ON AIRCRAFT — PERFECTION OF LIEN REQUIREMENTS. — 1. The airport superintendent shall have a lien on a derelict or abandoned aircraft for all unpaid fees and charges for the use of the airport by the aircraft and for all unpaid costs incurred by the airport superintendent for the transportation, storage, and removal of the aircraft. As a prerequisite to perfecting a lien under this section, the airport superintendent shall serve a notice on the last registered owner and all persons having an equitable or legal interest in the aircraft.

2. (1) For the purpose of perfecting a lien under this section, the airport superintendent shall file a claim of lien that states:

(a) The name and address of the airport;

(b) The name of the last registered owner of the aircraft and all persons having a legal or equitable interest in the aircraft;

(c) The fees and charges incurred by the aircraft for the use of the airport and the costs for the transportation, storage, and removal of the aircraft; and

(d) A description of the aircraft sufficient for identification.

(2) The claim of lien shall be signed and sworn to or affirmed by the airport superintendent's director or the director's designee.

(3) The claim of lien shall be served on the last registered owner of the aircraft and all persons having an equitable or legal interest in the aircraft. The claim of lien shall be served before filing.

(4) The claim of lien shall be filed with the proper office according to section 400-9.501. The filing of the claim of lien shall be constructive notice to all persons of the contents and effect of such claim. The lien shall attach at the time of filing and shall take priority as of that time.

305.808. SALE OF AIRCRAFT, USE OF PROCEEDS — RETURN TO OWNER, WHEN. — 1. If the aircraft is sold, the airport superintendent shall satisfy the airport superintendent's lien, plus the reasonable expenses of notice, advertisement, and sale from the proceeds of the sale.

2. The balance of the proceeds of the sale, if any, shall be held by the airport superintendent and delivered on demand to the owner of the aircraft.

3. If no person claims the balance within twelve months of the date of sale, the airport shall retain the funds and use the funds for airport operations.

305.810. DIVESTING OF OWNER'S LEGAL OR EQUITABLE INTERESTS IN AIRCRAFT. — 1. Any person acquiring a legal interest in an aircraft under sections 305.800 to 305.810 shall be the lawful owner of the aircraft and all other legal or equitable interests in that aircraft shall be divested; provided that, the holder of any legal or equitable interest was notified of the intended disposal of the aircraft as required under sections 305.800 to 305.810.

2. The airport superintendent may issue documents of disposition to the purchaser or recipient of an aircraft disposed of under sections 305.800 to 305.810.

306.127. BOATING SAFETY IDENTIFICATION CARD REQUIRED, WHEN, REQUIREMENTS, FEE — INAPPLICABLE, WHEN — TEMPORARY BOATER SAFETY IDENTIFICATION CARD ISSUED, WHEN, RULES, FEE AUTHORIZED, EXPIRATION DATE. — 1. Beginning January 1, 2005, every person born after January 1, 1984, or as required pursuant to section 306.128, who operates a vessel on the lakes of this state shall possess, on the vessel, a boating safety identification card issued by the water patrol division or its agent which shows that he or she has:

(1) Successfully completed a boating safety course approved by the National Association of State Boating Law Administrators and certified by the water patrol division. The boating safety course may include a course sponsored by the United States Coast Guard Auxiliary or the United States Power Squadron. The water patrol division may appoint agents to administer a boater education course or course equivalency examination and issue boater identification cards under guidelines established by the water patrol. The water patrol division shall maintain a list of approved courses; or

(2) Successfully passed an equivalency examination prepared by the water patrol division and administered by the water patrol division or its agent. The equivalency examination shall have a degree of difficulty equal to, or greater than, that of the examinations given at the conclusion of an approved boating safety course; or

(3) A valid master's, mate's, or operator's license issued by the United States Coast Guard.

2. The water patrol division or its agent shall issue a permanent boating safety identification card to each person who complies with the requirements of this section which is valid for life unless invalidated pursuant to law.

3. The water patrol division may charge a fee for such card or any replacement card that does not substantially exceed the costs of administering this section. The water patrol division or its designated agent shall collect such fees. These funds shall be forwarded to general revenue.

4. The provisions of this section shall not apply to any person who:

(1) Is licensed by the United States Coast Guard to serve as master of a vessel;

(2) Operates a vessel only on a private lake or pond that is not classified as waters of the state;
(3) Until January 1, 2006, is a nonresident who is visiting the state for sixty days or less;
(4) Is participating in an event or regatta approved by the water patrol;
(5) Is a nonresident who has proof of a valid boating certificate or license issued by another state if the boating course is approved by the National Association of State Boating Law Administrators (NASBLA);

(6) Is exempted by rule of the water patrol;

(7) Is currently serving in any branch of the United States Armed Forces, reserves, or Missouri National Guard, or any spouse of a person currently in such service; or

(8) Has previously successfully completed a boating safety education course approved by the National Association of State Boating Law Administrators (NASBLA).

5. The water patrol division shall inform other states of the requirements of this section.

6. No individual shall be detained or stopped strictly for the purpose of checking whether the individual possesses a boating safety identification card or a temporary boater education permit.

7. Any person or company that rents or sells vessels may issue a temporary boating safety identification card to an individual to operate a rented vessel or a vessel being considered for sale, for a period of up to seven days, provided that the individual meets the minimum age requirements for operating a vessel in this state. In order to qualify for the temporary boating safety identification card, the applicant shall provide a valid driver's license and shall sign an affidavit that he or she has reviewed the Missouri state highway patrol handbook of Missouri boating laws and responsibilities. Any individual holding a valid temporary boating safety identification card shall be deemed in compliance with the requirements of this section. The Missouri state highway patrol shall charge a fee of nine dollars for such temporary boating safety identification card. Individuals shall not be eligible for more than one temporary boating safety identification card. No person or company may issue a temporary boating safety identification card to an individual under the provisions of this subsection unless such person or company is capable of submitting the applicant's temporary boating safety identification card information and payment in an electronic format as prescribed by the Missouri state highway patrol. The business entity issuing a temporary boating safety identification card to an individual under the provisions of this subsection shall transmit the applicant's temporary boating safety identification card information electronically to the Missouri state highway patrol, in a manner and format prescribed by the superintendent, using an electronic online registration process developed and provided by the Missouri state highway patrol. The electronic online process developed and provided by the Missouri state highway patrol shall allow the applicant to pay the temporary boating safety identification card fee by credit card or debit card. Notwithstanding any provision in section 306.185 to the contrary, all fees collected under the authority of this subsection shall be deposited in the water patrol division fund. The Missouri state highway patrol shall promulgate rules for developing the temporary boating safety identification card and any requirements necessary to the issuance, processing, and payment of the temporary boating safety identification card. The Missouri state highway patrol shall, by rule, develop a boating safety checklist for each applicant seeking a temporary boating safety identification card. Nothing in this subsection shall allow a holder of a temporary boating safety identification card to receive a notation on the person's driver's license or nondriver identification under section 302.184. The provisions of this subsection shall expire on December 31, ~~2022~~ 2032.

307.015. MUD FLAPS REQUIRED, CERTAIN MOTOR VEHICLES — VIOLATION, PENALTY. —

1. Trucks, semitrailers, and trailers, except utility trailers, without rear fenders, attached to a commercial motor vehicle registered for over twenty-four thousand pounds shall be equipped with mud flaps for the rear wheels when operated on the public highways of this state. If mud flaps are used, they shall be wide enough to cover the full tread width of the tire or tires being protected; shall be so installed that they extend from the underside of the vehicle body in a vertical plane behind the rear wheels to within

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Matter in bold-face type is proposed language.

twelve inches of the ground for dump trucks and within eight inches of the ground for all other vehicles required to be equipped with mud flaps under this section; and shall be constructed of a rigid material or a flexible material which is of a sufficiently rigid character to provide adequate protection when the vehicle is in motion. No provisions of this section shall apply to a motor vehicle in transit and in process of delivery equipped with temporary mud flaps, to farm implements, or to any vehicle which is not required to be registered.

2. For purposes of this section, "dump truck" means a truck whose contents can be emptied without handling, where the front end of the platform can be hydraulically raised so that the load is discharged by gravity.

3. Any person who violates this section is guilty of an infraction and, upon plea or finding of guilt, shall be punished as provided by law.

407.815. DEFINITIONS. — As used in sections 407.810 to 407.835, unless the context otherwise requires, the following terms mean:

(1) "Administrative hearing commission", the body established in chapter 621 to conduct administrative hearings;

(2) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively for off-highway use **[which is fifty inches or less in width]**, with an unladen dry weight of **[six] one thousand five hundred pounds or less**, traveling on three, four or more **[low-pressure] nonhighway** tires, with **either:**

(a) A seat designed to be straddled by the operator, and handlebars for steering control; **or**

(b) **A width of fifty inches or less, measured from outside of tire rim to outside of tire rim, regardless of seating or steering arrangement;**

(3) "Coerce", to compel or attempt to compel a person to act in a given manner by pressure, intimidation, or threat of harm, damage, or breach of contract, but shall not include the following:

(a) Good faith recommendations, exposition, argument, persuasion or attempts at persuasion without unreasonable conditions;

(b) Notice given in good faith to any franchisee of such franchisee's violation of terms or provisions of such franchise or contractual agreement; or

(c) Any conduct set forth in sections 407.810 to 407.835 that is permitted of the franchisor;

(4) "Common entity", a person:

(a) Who is either controlled or owned, beneficially or of record, by one or more persons who also control or own more than forty percent of the voting equity interest of a franchisor; or

(b) Who shares directors or officers or partners with a franchisor;

(5) "Control", to possess, directly or indirectly, the power to direct or cause the direction of the management or policies of a person, whether through the ownership of voting securities, by contract, or otherwise; except that "control" does not include the relationship between a franchisor and a franchisee under a franchise agreement;

(6) "Dealer-operator", the individual who works at the established place of business of a dealer and who is responsible for and in charge of day-to-day operations of that place of business;

(7) "Distributor", a person, resident or nonresident, who, in whole or in part, sells or distributes new motor vehicles to motor vehicle dealers in this state;

(8) "Franchise" or "franchise agreement", a written arrangement or contract for a definite or indefinite period, in which a person grants to another person a license to use, or the right to grant to others a license to use, a trade name, trademark, service mark, or related characteristics, in which there is a community of interest in the marketing of goods or services, or both, at wholesale or retail, by agreement, lease or otherwise, and in which the operation of the franchisee's business with respect to such franchise is substantially reliant on the franchisor for the continued supply of franchised new motor vehicles, parts and accessories for sale at wholesale or retail. The franchise includes all portions of all

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agreements between a franchisor and a franchisee, including but not limited to a contract, new motor vehicle franchise, sales and service agreement, or dealer agreement, regardless of the terminology used to describe the agreement or relationship between the franchisor and franchisee, and also includes all provisions, schedules, attachments, exhibits and agreements incorporated by reference therein;

(9) "Franchisee", a person to whom a franchise is granted;

(10) "Franchisor", a person who grants a franchise to another person;

(11) "Good faith", the duty of each party to any franchise and all officers, employees, or agents thereof, to act in a fair and equitable manner toward each other so as to guarantee the one party freedom from coercion, intimidation, or threat of coercion or intimidation from the other party;

(12) "Importer", a person who has written authorization from a foreign manufacturer of a line-make of motor vehicles to grant a franchise to a motor vehicle dealer in this state with respect to that line-make;

(13) "Line-make", a collection of models, series, or groups of motor vehicles manufactured by or for a particular manufacturer, distributor or importer offered for sale, lease or distribution pursuant to a common brand name or mark; provided, however:

(a) Multiple brand names or marks may constitute a single line-make, but only when included in a common dealer agreement and the manufacturer, distributor or importer offers such vehicles bearing the multiple names or marks together only, and not separately, to its authorized dealers; and

(b) Motor vehicles bearing a common brand name or mark may constitute separate line-makes when pertaining to motor vehicles subject to separate dealer agreements or when such vehicles are intended for different types of use;

(14) "Manufacturer", any person, whether a resident or nonresident of this state, who manufactures or assembles motor vehicles or who manufactures or installs on previously assembled truck chassis special bodies or equipment which, when installed, form an integral part of the motor vehicle and which constitute a major manufacturing alteration. The term "manufacturer" includes a central or principal sales corporation or other entity, other than a franchisee, through which, by contractual agreement or otherwise, it distributes its products;

(15) "Motor vehicle", for the purposes of sections 407.810 to 407.835, any motor-driven vehicle required to be registered pursuant to the provisions of chapter 301, except that, motorcycles and all-terrain vehicles as defined in section 301.010 shall not be included. The term "motor vehicle" shall also include any engine, transmission, or rear axle, regardless of whether attached to a vehicle chassis, that is manufactured for the installation in any motor-driven vehicle with a gross vehicle weight rating of more than sixteen thousand pounds that is registered for the operations on the highways of this state under chapter 301;

(16) "New", when referring to motor vehicles or parts, means those motor vehicles or parts which have not been held except as inventory, as that term is defined in subdivision (4) of section 400.9-109;

(17) "Person", a natural person, sole proprietor, partnership, corporation, or any other form of business entity or organization;

(18) "Principal investor", the owner of the majority interest of any franchisee;

(19) "Reasonable", shall be based on the circumstances of a franchisee in the market served by the franchisee;

(20) "Require", to impose upon a franchisee a provision not required by law or previously agreed to by a franchisee in a franchise agreement;

(21) "Successor manufacturer", any manufacturer that succeeds, or assumes any part of the business of, another manufacturer, referred to as the "predecessor manufacturer", as the result of:

(a) A change in ownership, operation, or control of the predecessor manufacturer by sale or transfer of assets, corporate stock, or other equity interest, assignment, merger, consolidation, combination, joint venture, redemption, court-approved sale, operation of law, or otherwise;

- (b) The termination, suspension or cessation of a part or all of the business operations of the predecessor manufacturer;
- (c) The noncontinuation of the sale of the product line; or
- (d) A change in distribution system by the predecessor manufacturer, whether through a change in distributor or the predecessor manufacturer's decision to cease conducting business through a distributor altogether.

407.1025. DEFINITIONS. — As used in sections 407.1025 to 407.1049, unless the context otherwise requires, the following terms mean:

- (1) "Administrative hearing commission", the body established in chapter 621 to conduct administrative hearings;
- (2) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively for off-highway use [~~which is fifty inches or less in width~~], with an unladen dry weight of [~~six~~] **one thousand five hundred pounds or less**, traveling on three, four or more [~~low pressure~~] **nonhighway** tires, with either:
 - (a) A seat designed to be straddled by the operator, and handlebars for steering control; **or**
 - (b) **A width of fifty inches or less, measured from outside of tire rim to outside of tire rim, regardless of seating or steering arrangement;**
- (3) "Coerce", to force a person to act in a given manner or to compel by pressure or threat but shall not be construed to include the following:
 - (a) Good faith recommendations, exposition, argument, persuasion or attempts at persuasion;
 - (b) Notice given in good faith to any franchisee of such franchisee's violation of terms or provisions of such franchise or contractual agreement;
 - (c) Any other conduct set forth in section 407.1043 as a defense to an action brought pursuant to sections 407.1025 to 407.1049; or
 - (d) Any other conduct set forth in sections 407.1025 to 407.1049 that is permitted of the franchisor or is expressly excluded from coercion or a violation of sections 407.1025 to 407.1049;
- (4) "Franchise", a written arrangement or contract for a definite or indefinite period, in which a person grants to another person a license to use, or the right to grant to others a license to use, a trade name, trademark, service mark, or related characteristics, in which there is a community of interest in the marketing of goods or services, or both, at wholesale or retail, by agreement, lease or otherwise, and in which the operation of the franchisee's business with respect to such franchise is substantially reliant on the franchisor for the continued supply of franchised new motorcycles or all-terrain vehicles, parts and accessories for sale at wholesale or retail;
- (5) "Franchisee", a person to whom a franchise is granted;
- (6) "Franchisor", a person who grants a franchise to another person;
- (7) "Motorcycle", a motor vehicle operated on two wheels;
- (8) "New", when referring to motorcycles or all-terrain vehicles or parts, means those motorcycles or all-terrain vehicles or parts which have not been held except as inventory, as that term is defined in subdivision (4) of section 400.9-109;
- (9) "Person", a sole proprietor, partnership, corporation, or any other form of business organization.

407.1329. REPURCHASE UPON TERMINATION OF AGREEMENT. — If the RV dealer agreement is terminated, cancelled, or not renewed by the manufacturer for cause, **or if the dealer voluntarily terminates an RV dealer agreement in a manner permitted by such agreement, or if the manufacturer terminates or discontinues a franchise by discontinuing a line-make or by ceasing to do business in this state, or if the manufacturer changes the distributor or method of distribution of its products in this state or alters its sales regions or marketing areas within this**

state in a manner that eliminates or diminishes the dealer's market area, the manufacturer shall, at the election of the RV dealer, within thirty days of termination, repurchase:

(1) ~~[(a) All new, untitled current model year recreation vehicle inventory, acquired from the manufacturer, which has not been used (except for demonstration purposes), altered or damaged to the extent that such damage must be disclosed to the consumer pursuant to section 407.1343, at one hundred percent of the net invoice cost, including transportation, less applicable rebates and discounts to the dealer; and~~

~~(b) All new, untitled recreation vehicle inventory of the prior model year, acquired from the manufacturer, provided the prior model year vehicles have not been altered, used (except for demonstration purposes) or damaged to the extent that such damage must be disclosed to the consumer pursuant to section 407.1343, and were drafted on the dealer's financing source or paid within one hundred twenty days prior to the effective date of the termination, cancellation, or nonrenewal.~~

~~In the event any of the vehicles repurchased pursuant to this subdivision are damaged, but do not trigger the consumer disclosure requirement, the amount due the dealer shall be reduced by the cost to repair the vehicle. Damage prior to delivery to dealer that is disclosed at the time of delivery will not disqualify repurchase under this provision]~~ **All new, untitled recreation vehicle inventory, acquired from the manufacturer in the previous eighteen months, which has not been altered or damaged to the extent that such damage must be disclosed to the consumer pursuant to section 407.1343, at one hundred percent of the net invoice cost, including transportation, less applicable rebates and discounts to the dealer;**

(2) All current and undamaged manufacturer's accessories and proprietary parts sold to the dealer for resale, if accompanied by the original invoice, at one hundred five percent of the original net price paid to the manufacturer to compensate the dealer for handling, packing, and shipping the parts; and

(3) Any fully and correctly functioning diagnostic equipment, special tools, current signage and other equipment and machinery, at one hundred percent of the dealer's net cost plus freight, destination, delivery and distribution charges and sales taxes, if any, provided it was purchased by the dealer within five years before termination and upon the manufacturer's request and can no longer be used in the normal course of the dealer's ongoing business.

The manufacturer shall pay the dealer within thirty days of receipt of ~~[the returned]~~ **all items returned for repurchase under this section.**

577.001. CHAPTER DEFINITIONS. — As used in this chapter, the following terms mean:

(1) "Aggravated offender", a person who has been found guilty of:

(a) Three or more intoxication-related traffic offenses committed on separate occasions; or

(b) Two or more intoxication-related traffic offenses committed on separate occasions where at least one of the intoxication-related traffic offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed;

(2) "Aggravated boating offender", a person who has been found guilty of:

(a) Three or more intoxication-related boating offenses; or

(b) Two or more intoxication-related boating offenses committed on separate occasions where at least one of the intoxication-related boating offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed;

(3) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively for off-highway use ~~[which is fifty inches or less in width]~~, with an unladen dry weight of one thousand **five hundred** pounds or less, traveling on three, four or more ~~[low pressure]~~ **nonhighway** tires, with **either:**

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Matter in bold-face type is proposed language.

(a) A seat designed to be straddled by the operator, or with a seat designed to carry more than one person, and handlebars for steering control; **or**

(b) **A width of fifty inches or less, measured from outside of tire rim to outside of tire rim, regardless of seating or steering arrangement;**

(4) "Court", any circuit, associate circuit, or municipal court, including traffic court, but not any juvenile court or treatment court;

(5) "Chronic offender", a person who has been found guilty of:

(a) Four or more intoxication-related traffic offenses committed on separate occasions; or

(b) Three or more intoxication-related traffic offenses committed on separate occasions where at least one of the intoxication-related traffic offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed; or

(c) Two or more intoxication-related traffic offenses committed on separate occasions where both intoxication-related traffic offenses were offenses committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed;

(6) "Chronic boating offender", a person who has been found guilty of:

(a) Four or more intoxication-related boating offenses; or

(b) Three or more intoxication-related boating offenses committed on separate occasions where at least one of the intoxication-related boating offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed; or

(c) Two or more intoxication-related boating offenses committed on separate occasions where both intoxication-related boating offenses were offenses committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed;

(7) "Continuous alcohol monitoring", automatically testing breath, blood, or transdermal alcohol concentration levels and tampering attempts at least once every hour, regardless of the location of the person who is being monitored, and regularly transmitting the data. Continuous alcohol monitoring shall be considered an electronic monitoring service under subsection 3 of section 217.690;

(8) "Controlled substance", a drug, substance, or immediate precursor in schedules I to V listed in section 195.017;

(9) "Drive", "driving", "operates" or "operating", physically driving or operating a vehicle or vessel;

(10) "Flight crew member", the pilot in command, copilots, flight engineers, and flight navigators;

(11) "Habitual offender", a person who has been found guilty of:

(a) Five or more intoxication-related traffic offenses committed on separate occasions; or

(b) Four or more intoxication-related traffic offenses committed on separate occasions where at least one of the intoxication-related traffic offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed; or

(c) Three or more intoxication-related traffic offenses committed on separate occasions where at least two of the intoxication-related traffic offenses were offenses committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed;

(12) "Habitual boating offender", a person who has been found guilty of:

(a) Five or more intoxication-related boating offenses; or

(b) Four or more intoxication-related boating offenses committed on separate occasions where at least one of the intoxication-related boating offenses is an offense committed in violation of any state

law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed; or

(c) Three or more intoxication-related boating offenses committed on separate occasions where at least two of the intoxication-related boating offenses were offenses committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed; or

(d) While boating while intoxicated, the defendant acted with criminal negligence to:

a. Cause the death of any person not a passenger in the vessel operated by the defendant, including the death of an individual that results from the defendant's vessel leaving the water; or

b. Cause the death of two or more persons; or

c. Cause the death of any person while he or she has a blood alcohol content of at least eighteen-hundredths of one percent by weight of alcohol in such person's blood;

(13) "Intoxicated" or "intoxicated condition", when a person is under the influence of alcohol, a controlled substance, or drug, or any combination thereof;

(14) "Intoxication-related boating offense", operating a vessel while intoxicated; boating while intoxicated; operating a vessel with excessive blood alcohol content or an offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense;

(15) "Intoxication-related traffic offense", driving while intoxicated, driving with excessive blood alcohol content, driving under the influence of alcohol or drugs in violation of a state law, county or municipal ordinance, any federal offense, or any military offense, or an offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense;

(16) "Law enforcement officer" or "arresting officer", includes the definition of law enforcement officer in section 556.061 and military policemen conducting traffic enforcement operations on a federal military installation under military jurisdiction in the state of Missouri;

(17) "Operate a vessel", to physically control the movement of a vessel in motion under mechanical or sail power in water;

(18) "Persistent offender", a person who has been found guilty of:

(a) Two or more intoxication-related traffic offenses committed on separate occasions; or

(b) One intoxication-related traffic offense committed in violation of any state law, county or municipal ordinance, federal offense, or military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed;

(19) "Persistent boating offender", a person who has been found guilty of:

(a) Two or more intoxication-related boating offenses committed on separate occasions; or

(b) One intoxication-related boating offense committed in violation of any state law, county or municipal ordinance, federal offense, or military offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed;

(20) "Prior offender", a person who has been found guilty of one intoxication-related traffic offense, where such prior offense occurred within five years of the occurrence of the intoxication-related traffic offense for which the person is charged;

(21) "Prior boating offender", a person who has been found guilty of one intoxication-related boating offense, where such prior offense occurred within five years of the occurrence of the intoxication-related boating offense for which the person is charged.

577.800. UNLAWFUL USE OF UNMANNED AIRCRAFT OVER OPEN-AIR FACILITY, OFFENSE OF — PERMISSIBLE ACTS — VIOLATION, PENALTY — SIGNAGE. — 1. A person commits the offense of unlawful use of unmanned aircraft over an open-air facility if he or she purposely:

(1) Operates an unmanned aircraft within a vertical distance of four hundred feet from the ground and within the property line of an open-air facility; or

(2) Uses an unmanned aircraft with the purpose of delivering to a person within an open-air facility any object described in subdivision (1) or (2) of subsection 4 of this section.

2. For purposes of this section, "open-air facility" shall mean any sports, theater, music, performing arts, or other entertainment facility with a capacity of five thousand people or more and not completely enclosed by a roof or other structure.

3. The provisions of this section shall not prohibit the operation of an unmanned aircraft by:

(1) An employee of an open-air facility at the direction of the president or chief executive officer of the open-air facility;

(2) A person who has written consent from the president or chief executive officer of the open-air facility;

(3) An employee of a law enforcement agency, fire department, or emergency medical service in the exercise of official duties;

(4) A government official or employee in the exercise of official duties;

(5) A public utility or a rural electric cooperative if:

(a) The unmanned aircraft is used for the purpose of inspecting, repairing, or maintaining utility transmission or distribution lines or other utility equipment or infrastructure;

(b) The utility or cooperative notifies the open-air facility before flying the unmanned aircraft, except during an emergency; and

(c) The person operating the unmanned aircraft does not physically enter the prohibited space without an escort provided by the open-air facility; or

(6) An employee of a railroad in the exercise of official duties on any land owned or operated by a railroad corporation regulated by the Federal Railroad Administration.

4. The offense of unlawful use of unmanned aircraft over an open-air facility shall be punishable as an infraction unless the person uses an unmanned aircraft for:

(1) Delivering a gun, knife, weapon, or other article that may be used in such manner to endanger the life of an employee or guest at an open-air facility, in which case the offense is a class B felony; or

(2) Delivering a controlled substance, as that term is defined under section 195.010, in which case the offense is a class D felony.

5. Each open-air facility shall post a sign warning of the provisions of this section. The sign shall be at least eleven inches by fourteen inches and posted in a conspicuous place.

632.460. UNLAWFUL USE OF UNMANNED AIRCRAFT OVER A MENTAL HEALTH HOSPITAL, OFFENSE OF — PERMISSIBLE ACTS — SIGNAGE — VIOLATION, PENALTY. — 1. A person commits the offense of unlawful use of unmanned aircraft over a mental health hospital if he or she purposely:

(1) Operates an unmanned aircraft within a vertical distance of four hundred feet over the mental health hospital's property line; or

(2) Uses an unmanned aircraft to deliver to a person confined in a mental health hospital any object described in subdivision (1) or (3) of subsection 6 of this section.

2. For the purposes of subsection 1 of this section, vertical distance extends from ground level.

3. For purposes of this section, "mental health hospital" shall mean a facility operated by the department of mental health to provide inpatient evaluation, treatment, or care to persons suffering from a mental disorder, as defined under section 630.005; mental illness, as defined under section 630.005; or mental abnormality, as defined under section 632.480.

4. The provisions of this section shall not prohibit the operation of an unmanned aircraft by:

(1) An employee of the mental health hospital at the direction of the chief administrative officer of the mental health hospital;

(2) A person who has written consent from the chief administrative officer of the mental health hospital;

(3) An employee of a law enforcement agency, fire department, or emergency medical service in the exercise of official duties;

(4) A government official or employee in the exercise of official duties;

(5) A public utility or a rural electric cooperative if:

(a) The unmanned aircraft is used for the purpose of inspecting, repairing, or maintaining utility transmission or distribution lines or other utility equipment or infrastructure;

(b) The utility notifies the mental health hospital before flying the unmanned aircraft, except during an emergency; and

(c) The person operating the unmanned aircraft does not physically enter the prohibited space without an escort provided by the mental health hospital;

(6) An employee of a railroad in the exercise of official duties on any land owned or operated by a railroad corporation regulated by the Federal Railway Administration; or

(7) A person operating an unmanned aircraft pursuant to and in compliance with any waiver issued by the Federal Aviation Authority under 14 C.F.R. Section 107.200.

5. Each mental health hospital shall post a sign warning of the provisions of this section. The sign shall be at least eleven inches by fourteen inches and posted in a conspicuous place.

6. The offense of unlawful use of unmanned aircraft over a mental health hospital shall be punishable as an infraction unless the person uses an unmanned aircraft for the purpose of:

(1) Delivering a gun, knife, weapon, or other article that may be used in such manner to endanger the life of a patient or mental health hospital employee, in which case the offense is a class B felony;

(2) Facilitating an escape from commitment or detention under section 575.195, in which case the offense is a class C felony; or

(3) Delivering a controlled substance, as that term is defined under section 195.010, in which case the offense is a class D felony.

SECTION B. EFFECTIVE DATE FOR CERTAIN SECTION. — The enactment of section 302.205 of this act shall become effective on July 31, 2021.

Approved July 14, 2020

CCS SS HCS HB 2046

Enacts provisions relating to professional registration, with existing penalty provisions.

AN ACT to repeal sections 58.095, 58.451, 58.720, 190.094, 190.105, 190.143, 190.196, 193.145, 193.265, 209.334, 214.276, 256.477, 317.015, 324.009, 324.047, 324.086, 324.217, 324.262, 324.265, 324.436, 324.496, 324.523, 324.940, 324.1112, 324.1118, 326.277, 326.280, 326.289, 327.131, 327.221, 327.312, 327.381, 327.441, 327.612, 328.075, 328.150, 329.140, 331.030, 331.060, 332.231, 332.251, 332.281, 332.291, 333.041, 334.414, 334.530, 334.613, 334.616, 334.655, 334.702, 334.704, 334.706, 334.708, 334.710, 334.712, 334.715, 334.717, 334.719, 334.721, 334.725, 334.920, 336.030, 336.080, 336.110, 337.020, 337.029, 337.035, 337.050, 337.330, 337.510, 337.525, 337.615, 337.630, 337.644, 337.645, 337.665, 337.715,

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

337.730, 338.220, 339.040, 339.100, 339.511, 339.532, 344.030, 344.050, 345.015, 345.050, 345.065, 346.055, 346.105, and 436.230, RSMo, and section 324.009 as enacted by house committee substitute for house bill nos. 1511 & 1452, one hundredth general assembly, second regular session, and to enact in lieu thereof ninety-six new sections relating to professional registration, with existing penalty provisions.

SECTION

A	Enacting clause.
58.035	Coroner standards and training commission, members, terms, chairperson, meetings — duties — rulemaking authority — report.
58.095	Compensation of county coroner — training program, attendance required, when, expenses, compensation (noncharter counties).
58.208	Death certificate fees, deposit in training fund — use of moneys — fund created — state of emergency or disaster, request for reimbursement.
58.451	Death to be reported and investigated by coroner, certain counties, procedure — place of death, two counties involved, how determined — efforts to accommodate organ donation.
58.720	Medical examiner to investigate, certain counties, procedure — death certificate issued, when — place of death — two counties involved, how determined — efforts to accommodate organ donation.
190.094	Minimum ambulance staffing — volunteer defined.
190.105	Ambulance license required, exceptions — operation of ambulance services — sale or transfer of ownership, notice required.
190.143	Temporary emergency medical technician license granted, when — limitations — expiration.
190.196	Employer to comply with requirements of licensure — report of charges filed against licensee, when.
193.145	Death certificate — electronic system — contents, filing, locale, duties of certain persons, time allowed — certificate marked presumptive, when — training, failure to complete, effect of.
193.265	Fees for certification and other services — distribution — services free, when.
209.334	Refusal to issue or renew license, grounds, complaint procedure — reinstatement procedure.
214.276	Refusal to issue license, grounds — complaint, procedure.
256.477	Prohibited activities, penalties — board to revoke certificate, when.
317.015	Complaints against licensees, filed with administrative hearing commission — refusal to issue license, notification, appeal — sanctions on license permitted, when.
324.009	Licensure reciprocity — definitions — requirements — inapplicability, when.
324.012	Fresh start act of 2020 — definitions — prior convictions not disqualifying or considered, when — denial of license, notice — applicability.
324.025	Expanded workforce access act of 2020 — definitions — apprenticeship licensure, requirements — rulemaking authority — inapplicability.
324.035	Continuing education, use of occupational fees prohibited, when — exceptions.
324.047	Guidelines for regulation of certain occupations and professions — definitions — limitation on state regulation, requirements — reports.
324.086	Refusal to issue license, when — notification of applicant — complaint procedure.
324.217	Refusal to issue or renew license, when — complaint filed against licensee, when — hearing procedures — maintenance of complaints filed — recommendation for prosecution.
324.262	Refusal to issue, suspension or revocation of license of business or therapist, when — procedure — limitation of liability.
324.265	Massage therapists, qualifications of applicants — waiver, when — licensure term, renewal — student license, when — provisional license, when — exemptions — exemptions for certain therapists licensed in other jurisdictions.
324.436	Refusal to issue, renew or reinstate certificate, when — complaint filed, procedure.
324.496	Authority of the board — complaints, procedure — limitation of liability.

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Matter in bold-face type is proposed language.

324.523	Complaint may be filed with administrative hearing commission, when, procedure — discipline authorized, when.
324.940	Refusal to issue or renew license, suspension of license, when — publication of list of valid statewide license holders, complaints may be filed, causes, procedure — relicensure, when.
324.1112	Denial of a request for licensure, when.
324.1118	Licensure required — prohibited acts.
326.277	Eligibility for examination, requirements.
326.280	License issued, when — reexamination and fees — temporary license issued, when.
326.289	Issuance and renewal of permits, procedure.
327.131	Applicant for license as architect, qualifications.
327.221	Applicant for license as professional engineer, qualifications.
327.312	Land surveyor-in-training applicant for enrollment, qualifications — certificate issued when.
327.381	Board may license architect, professional engineer, professional land surveyor or professional landscape architect without examination, when.
327.441	Denial, revocation, or suspension of license or certificate, grounds for.
327.612	Applicants for licensure as professional landscape architect — qualifications.
328.075	Barber apprentices, application, fee, requirements — rulemaking authority.
328.150	Denial, revocation, or suspension of certificate, grounds for.
329.140	Denial, revocation or suspension of license, grounds for — discipline.
331.030	Application for license, requirements, fees — reciprocity — rulemaking, procedure.
331.060	Denial, revocation or suspension of certificate, grounds for — time penalties.
332.231	Applicant as dental hygienist, qualifications.
332.251	Dental hygienist applicant, examination, how conducted — failure, reexamination, additional education, when.
332.281	Dental hygienist, license without examination, when — fee.
332.291	Dental hygienist, certificate of practice, who eligible, fee.
333.041	Qualifications of applicants — examinations — licenses — board may waive requirements in certain cases.
334.414	Certificate of registration issued, when — rules promulgated by board — authority of board — complaint procedure — penalty.
334.530	Qualifications for license — examinations, scope.
334.613	Refusal to issue or renew a license, procedure — complaint may be filed, when, requirements for proceedings on — disciplinary action authorized.
334.616	Automatic revocation of licensure, when.
334.655	Physical therapist assistant, educational requirements — board examination, applications — written examination — examination topics — examination not required, when.
334.702	Definitions.
334.703	Referral to physician, when — limitations on scope of practice.
334.704	Athletic trainers required to be licensed.
334.706	Board of healing arts, powers and duties — rules and regulations, procedure.
334.708	Licensure, examination — reciprocity.
334.710	Licensure forms and fee — deposit of fees.
334.712	License issued, when — content.
334.715	Refusal to issue or renew license, grounds, alternatives — complaint procedure — reinstatement, procedure.
334.717	Missouri athletic trainer advisory committee, appointment — duties — members, qualifications, terms, vacancies.
334.721	Athletic trainers not to be construed as practicing medicine — persons exempt from registration provision.
334.725	Violations, penalty.
334.920	Board powers — disciplining and sanctions — violations, penalty.
336.030	Persons qualified to receive license.
336.080	Renewal of license — requirements.
336.110	Denial, revocation, or suspension of license, grounds for.

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337.020	Temporary, provisional or permanent licenses, application, qualifications, examinations, fees.
337.029	Licenses based on reciprocity to be issued, when — health service provider certification eligibility.
337.035	Denial, revocation, or suspension of license, grounds for — interested third party, defined.
337.050	State committee of psychologists created — members, qualifications, compensation, removal — rules, procedure — seal — continuing education, proof for license renewal, types of continuing education.
337.330	Refusal of licensure — complaint procedure.
337.510	Requirements for licensure — reciprocity — provisional professional counselor license issued, when, requirements — renewal license fee.
337.525	Grounds for refusal, revocation or suspension of license — civil immunity, when — procedure upon filing complaint.
337.615	Education, experience requirements — reciprocity — licenses issued, when.
337.630	Grounds for refusal, revocation or suspension of license — civil immunity, when — procedure upon filing complaint.
337.644	Application, contents — issuance of license, when.
337.645	Application information required — issuance of license, when.
337.665	Information required to be furnished committee — certificate to practice independently issued, when.
337.715	Qualifications for licensure, exceptions.
337.730	Refusal to issue or renew, grounds, notice, rights of applicant — complaints filed with administrative hearing commission.
338.220	Operation of pharmacy without permit or license unlawful — application for permit, classifications, fee — duration of permit.
339.040	Licenses granted to whom — examination — qualifications — fee — temporary broker's license, when.
339.100	Investigation of certain practices, procedure — subpoenas — formal complaints — revocation or suspension of licenses — digest may be published — revocation of licenses for certain offenses.
339.511	Classifications of certification and licensure for appraisers and management companies — application — qualifications — continuing education requirements.
339.532	Refusal to issue or renew certificate or license, procedure, hearing, grounds for refusal, penalties — revocation, when, appeal — recertification or relicensure, examination required.
344.030	License, qualifications, fee, examination, term — emergency license.
344.050	Suspension — revocation — probation — refusal to issue or renew license — grounds — procedure — right of review by administrative hearing commission.
345.015	Definitions.
345.050	Requirements to be met for license.
345.065	Denial, revocation or suspension of license or registration, grounds for.
346.055	Requirements for licensure.
346.105	Denial, revocation, or suspension of license, grounds for.
436.230	Certificate of registration issued, when — refusal to issue, when.
324.009	Licensure reciprocity — definitions — requirements — inapplicability, when.
334.719	Athletic trainers prior to September 28, 1983, compliance period.

Be it enacted by the General Assembly of the state of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 58.095, 58.451, 58.720, 190.094, 190.105, 190.143, 190.196, 193.145, 193.265, 209.334, 214.276, 256.477, 317.015, 324.009, 324.047, 324.086, 324.217, 324.262, 324.265, 324.436, 324.496, 324.523, 324.940, 324.1112, 324.1118, 326.277, 326.280, 326.289, 327.131, 327.221, 327.312, 327.381, 327.441, 327.612, 328.075, 328.150, 329.140, 331.030, 331.060, 332.231, 332.251, 332.281, 332.291, 333.041, 334.414, 334.530, 334.613, 334.616, 334.655, 334.702, 334.704, 334.706, 334.708, 334.710, 334.712, 334.715, 334.717, 334.719, 334.721,

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Matter in bold-face type is proposed language.

334.725, 334.920, 336.030, 336.080, 336.110, 337.020, 337.029, 337.035, 337.050, 337.330, 337.510, 337.525, 337.615, 337.630, 337.644, 337.645, 337.665, 337.715, 337.730, 338.220, 339.040, 339.100, 339.511, 339.532, 344.030, 344.050, 345.015, 345.050, 345.065, 346.055, 346.105, and 436.230, RSMo, and section 324.009 as enacted by house committee substitute for house bill nos. 1511 & 1452, one hundredth general assembly, second regular session, are repealed and ninety-six new sections enacted in lieu thereof, to be known as sections 58.035, 58.095, 58.208, 58.451, 58.720, 190.094, 190.105, 190.143, 190.196, 193.145, 193.265, 209.334, 214.276, 256.477, 317.015, 324.009, 324.012, 324.025, 324.035, 324.047, 324.086, 324.217, 324.262, 324.265, 324.436, 324.496, 324.523, 324.940, 324.1112, 324.1118, 326.277, 326.280, 326.289, 327.131, 327.221, 327.312, 327.381, 327.441, 327.612, 328.075, 328.150, 329.140, 331.030, 331.060, 332.231, 332.251, 332.281, 332.291, 333.041, 334.414, 334.530, 334.613, 334.616, 334.655, 334.702, 334.703, 334.704, 334.706, 334.708, 334.710, 334.712, 334.715, 334.717, 334.721, 334.725, 334.920, 336.030, 336.080, 336.110, 337.020, 337.029, 337.035, 337.050, 337.330, 337.510, 337.525, 337.615, 337.630, 337.644, 337.645, 337.665, 337.715, 337.730, 338.220, 339.040, 339.100, 339.511, 339.532, 344.030, 344.050, 345.015, 345.050, 345.065, 346.055, 346.105, and 436.230, to read as follows:

58.035. CORONER STANDARDS AND TRAINING COMMISSION, MEMBERS, TERMS, CHAIRPERSON, MEETINGS — DUTIES — RULEMAKING AUTHORITY — REPORT. — 1. There is hereby established within the department of health and senior services a "Coroner Standards and Training Commission" which shall be composed of eight members, appointed by the governor, with the advice and consent of the senate. The governor shall take into account the diversity of the state when making the appointments to this commission. The commission shall consist of:

- (1) Two coroners elected from counties of the third classification;
- (2) One coroner elected from a county of the first, second, or fourth classification;
- (3) One currently appointed medical examiner;
- (4) One child death pathologist;
- (5) One elected prosecuting attorney;
- (6) One elected sheriff;
- (7) The director of the department of health and senior services, or his or her designee, who shall serve as a nonvoting member of the commission.

Each member of the coroner standards and training commission shall have been at the time of his appointment a citizen of the United States and a resident of this state for a period of at least one year, and members who are coroners shall be qualified as established by chapter 58.

2. The members of the commission shall serve for the following terms:

- (1) Every member of the commission who holds elected office shall serve an initial term of two years;
- (2) Every member of the commission who does not hold elected office shall serve an initial term of four years;
- (3) Every member of the commission shall serve for a term of four years after the initial term has been served.

3. Annually the commission shall elect one of the members as chairperson. The coroner standards and training commission shall meet at least twice each year as determined by the director of the department of health and senior services, the chairperson, or a majority of the members to perform its duties. A majority of the members of the coroner standards and training commission shall constitute a quorum.

4. No member of the coroner standards and training commission shall receive any compensation for the performance of his or her official duties.

5. The coroner standards and training commission shall establish training standards, by rule, relating to the office of county coroner. These standards shall relate to the operation of the office, the legal responsibilities of the office, and the technical skills and knowledge required of the office.

6. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2020, shall be invalid and void.

7. Once the commission has developed standards, the commission shall issue a report detailing the standards. This report shall be submitted to the speaker of the house of representatives and the president pro tempore of the senate, and shall be published on the website of the department of health and senior services.

58.095. COMPENSATION OF COUNTY CORONER — TRAINING PROGRAM, ATTENDANCE REQUIRED, WHEN, EXPENSES, COMPENSATION (NONCHARTER COUNTIES). — 1. The county coroner in any county ~~other than in a first-classification chartered county,~~ **not having a charter form of government** shall receive an annual salary computed on a basis as set forth in the following schedule. The provisions of this section shall not permit or require a reduction in the amount of compensation being paid for the office of coroner on January 1, 1997:

Assessed Valuation			Salary
\$18,000,000	to	40,999,999	\$ 8,000
41,000,000	to	53,999,999	8,500
54,000,000	to	65,999,999	9,000
66,000,000	to	85,999,999	9,500
86,000,000	to	99,999,999	10,000
100,000,000	to	130,999,999	11,000
131,000,000	to	159,999,999	12,000
160,000,000	to	189,999,999	13,000
190,000,000	to	249,999,999	14,000
250,000,000	to	299,999,999	15,000
300,000,000	or	more	16,000

2. One thousand dollars of the salary authorized in this section shall be payable to the coroner only if the coroner has completed at least twenty hours of classroom instruction each calendar year ~~relating to the operations of the coroner's office when approved by a professional association of the county coroners of Missouri]~~ **as established by the coroner standards and training commission** unless exempted from the training by the ~~[professional association]~~ **Missouri Coroners' and Medical Examiners' Association for good cause.** The ~~[professional association approving the program]~~ **Missouri Coroners' and Medical Examiners' Association** shall provide a certificate of completion to each coroner who completes the training program and shall send a list of certified coroners to the treasurer of each county **and the department of health and senior services.** The coroner standards and training commission may certify training programs that satisfy the requirements of this section in lieu of the training provided by the Missouri Coroners' and Medical Examiners' Association. Certified training completion shall be submitted to the Missouri Coroners' and Medical Examiners' Association, which, upon validating the certified training, shall submit the individual's name to the county treasurer and department of health and senior services indicating **the individual is compliant with the training requirements.** Expenses incurred for attending the training session may be reimbursed to the county coroner in the same manner as other expenses as may

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Matter in bold-face type is proposed language.

be appropriated for that purpose. All elected or appointed coroners, deputy coroners, and assistants to the coroner shall complete the annual training described in this subsection within six months of election or appointment.

3. The county coroner in any county~~], other than a first-classification charter county]~~ **not having a charter form of government**, shall not, except upon two-thirds vote of all the members of the salary commission, receive an annual compensation in an amount less than the total compensation being received for the office of county coroner in the particular county for services rendered or performed on the date the salary commission votes.

4. For the term beginning in 1997, the compensation of the coroner, in counties in which the salary commission has not voted to pay one hundred percent of the maximum allowable salary, shall be a percentage of the maximum allowable salary established by this section. The percentage applied shall be the same percentage of the maximum allowable salary received or allowed, whichever is greater, to the presiding commissioner or sheriff, whichever is greater, of that county for the year beginning January 1, 1997. In those counties in which the salary commission has voted to pay one hundred percent of the maximum allowable salary, the compensation of the coroner shall be based on the maximum allowable salary in effect at each time a coroner's term of office commences following the vote to pay one hundred percent of the maximum allowable compensation. Subsequent compensation shall be determined as provided in section 50.333.

5. Effective January 1, 1997, the county coroner in any county~~], other than a county of the first classification with a charter form of government]~~ **not having a charter form of government** may, upon the approval of the county commission, receive additional compensation for any month during which investigations or other services are performed for three or more decedents in the same incident during such month. The additional compensation shall be an amount that when added to the regular compensation the sum shall equal the monthly compensation of the county sheriff.

58.208. DEATH CERTIFICATE FEES, DEPOSIT IN TRAINING FUND — USE OF MONEYS — FUND CREATED — STATE OF EMERGENCY OR DISASTER, REQUEST FOR REIMBURSEMENT. —
1. One dollar of the fee collected for any death certificate issued under section 193.265 shall be deposited into the Missouri state coroners' training fund established under subsection 2 of this section. Moneys in such fund shall be used by the Missouri Coroners' and Medical Examiners' Association:

(1) For in-state training, equipment, and necessary supplies; and

(2) To provide aid to training programs approved by the Missouri Coroners' and Medical Examiners' Association.

2. (1) There is hereby created in the state treasury the "Missouri State Coroners' Training Fund", which shall consist of moneys collected under subsection 1 of this section. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be used solely for the administration of subsection 1 of this section.

(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund over the amount of five hundred thousand dollars shall revert to the credit of the general revenue fund.

(3) The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

3. Local registrars may, during states of emergency or disaster, request reimbursement from the fund for copies of death certificates issued to individuals who are unable to afford the associated fees.

58.451. DEATH TO BE REPORTED AND INVESTIGATED BY CORONER, CERTAIN COUNTIES, PROCEDURE — PLACE OF DEATH, TWO COUNTIES INVOLVED, HOW DETERMINED — EFFORTS TO ACCOMMODATE ORGAN DONATION. — 1. When any person, in any county in which a coroner is required by section 58.010, dies and there is reasonable ground to believe that such person died as a result of:

- (1) Violence by homicide, suicide, or accident;
- (2) Criminal abortions, including those self-induced;
- (3) Some unforeseen sudden occurrence and the deceased had not been attended by a physician during the thirty-six-hour period preceding the death;
- (4) In any unusual or suspicious manner;
- (5) Any injury or illness while in the custody of the law or while an inmate in a public institution;

the police, sheriff, law enforcement officer or official, or any person having knowledge of such a death shall immediately notify the coroner of the known facts concerning the time, place, manner and circumstances of the death. Immediately upon receipt of notification, the coroner or deputy coroner shall take charge of the dead body and fully investigate the essential facts concerning the medical causes of death, including whether by the act of man, and the manner of death. The coroner or deputy coroner may take the names and addresses of witnesses to the death and shall file this information in the coroner's office. The coroner or deputy coroner shall take possession of all property of value found on the body, making exact inventory of such property on the report and shall direct the return of such property to the person entitled to its custody or possession. The coroner or deputy coroner shall take possession of any object or article which, in the coroner's or the deputy coroner's opinion, may be useful in establishing the cause of death, and deliver it to the prosecuting attorney of the county.

2. When a death occurs outside a licensed health care facility, the first licensed medical professional or law enforcement official learning of such death shall immediately contact the county coroner. Immediately upon receipt of such notification, the coroner or the coroner's deputy shall make the determination if further investigation is necessary, based on information provided by the individual contacting the coroner, and immediately advise such individual of the coroner's intentions.

3. **Notwithstanding the provisions of subsection 2 of this section to the contrary, when a death occurs under the care of a hospice, no investigation shall be required if the death is certified by the treating physician of the deceased or the medical director of the hospice as a natural death due to disease or diagnosed illness. The hospice shall provide written notice to the coroner within twenty-four hours of the death.**

4. Upon taking charge of the dead body and before moving the body the coroner shall notify the police department of any city in which the dead body is found, or if the dead body is found in the unincorporated area of a county governed by the provisions of sections 58.451 to 58.457, the coroner shall notify the county sheriff or the highway patrol and cause the body to remain unmoved until the police department, sheriff or the highway patrol has inspected the body and the surrounding circumstances and carefully noted the appearance, the condition and position of the body and recorded every fact and circumstance tending to show the cause and manner of death, with the names and addresses of all known witnesses, and shall subscribe the same and make such record a part of the coroner's report.

[4] 5. In any case of sudden, violent or suspicious death after which the body was buried without any investigation or autopsy, the coroner, upon being advised of such facts, may at the coroner's own discretion request that the prosecuting attorney apply for a court order requiring the body to be exhumed.

[5-] 6. The coroner may certify the cause of death in any case where death occurred without medical attendance or where an attending physician refuses to sign a certificate of death or when a physician is unavailable to sign a certificate of death.

~~[6-]~~ 7. When the cause of death is established by the coroner, the coroner shall file a copy of the findings in the coroner's office within thirty days.

~~[7-]~~ 8. If on view of the dead body and after personal inquiry into the cause and manner of death, the coroner determines that a further examination is necessary in the public interest, the coroner on the coroner's own authority may make or cause to be made an autopsy on the body. The coroner may on the coroner's own authority employ the services of a pathologist, chemist, or other expert to aid in the examination of the body or of substances supposed to have caused or contributed to death, and if the pathologist, chemist, or other expert is not already employed by the city or county for the discharge of such services, the pathologist, chemist, or other expert shall, upon written authorization of the coroner, be allowed reasonable compensation, payable by the city or county, in the manner provided in section 58.530. The coroner shall, at the time of the autopsy, record or cause to be recorded each fact and circumstance tending to show the condition of the body and the cause and manner of death.

~~[8-]~~ 9. If on view of the dead body and after personal inquiry into the cause and manner of death, the coroner considers a further inquiry and examination necessary in the public interest, the coroner shall make out the coroner's warrant directed to the sheriff of the city or county requiring the sheriff forthwith to summon six good and lawful citizens of the county to appear before the coroner, at the time and place expressed in the warrant, and to inquire how and by whom the deceased died.

~~[9-]~~ 10. (1) When a person is being transferred from one county to another county for medical treatment and such person dies while being transferred, or dies while being treated in the emergency room of the receiving facility the place which the person is determined to be dead shall be considered the place of death and the county coroner or medical examiner of the county from which the person was originally being transferred shall be responsible for determining the cause and manner of death for the Missouri certificate of death.

(2) The coroner or medical examiner in the county in which the person is determined to be dead may with authorization of the coroner or medical examiner from the original transferring county, investigate and conduct postmortem examinations at the expense of the coroner or medical examiner from the original transferring county. The coroner or medical examiner from the original transferring county shall be responsible for investigating the circumstances of such and completing the Missouri certificate of death. The certificate of death shall be filed in the county where the deceased was pronounced dead.

(3) Such coroner or medical examiner of the county where a person is determined to be dead shall immediately notify the coroner or medical examiner of the county from which the person was originally being transferred of the death of such person, and shall make available information and records obtained for investigation of the death.

(4) If a person does not die while being transferred and is institutionalized as a regularly admitted patient after such transfer and subsequently dies while in such institution, the coroner or medical examiner of the county in which the person is determined to be dead shall immediately notify the coroner or medical examiner of the county from which such person was originally transferred of the death of such person. In such cases, the county in which the deceased was institutionalized shall be considered the place of death. If the manner of death is by homicide, suicide, accident, criminal abortion including those that are self-induced, child fatality, or any unusual or suspicious manner, the investigation of the cause and manner of death shall revert to the county of origin, and this coroner or medical examiner shall be responsible for the Missouri certificate of death. The certificate of death shall be filed in the county where the deceased was pronounced dead.

~~[10-]~~ 11. There shall not be any statute of limitations or time limits on the cause of death when death is the final result or determined to be caused by homicide, suicide, accident, child fatality, criminal abortion including those self-induced, or any unusual or suspicious manner. The place of death shall be the place in which the person is determined to be dead. The final investigation of death in determining the cause and matter of death shall revert to the county of origin, and the coroner or medical examiner

of such county shall be responsible for the Missouri certificate of death. The certificate of death shall be filed in the county where the deceased was pronounced dead.

[11-] **12.** Except as provided in subsection [9] **10** of this section, if a person dies in one county and the body is subsequently transferred to another county, for burial or other reasons, the county coroner or medical examiner where the death occurred shall be responsible for the certificate of death and for investigating the cause and manner of the death.

[12-] **13.** In performing the duties, the coroner or medical examiner shall comply with sections 58.775 to 58.785 with respect to organ donation.

58.720. MEDICAL EXAMINER TO INVESTIGATE, CERTAIN COUNTIES, PROCEDURE — DEATH CERTIFICATE ISSUED, WHEN — PLACE OF DEATH — TWO COUNTIES INVOLVED, HOW DETERMINED — EFFORTS TO ACCOMMODATE ORGAN DONATION. — 1. When any person dies within a county having a medical examiner as a result of:

- (1) Violence by homicide, suicide, or accident;
- (2) Thermal, chemical, electrical, or radiation injury;
- (3) Criminal abortions, including those self-induced;
- (4) Disease thought to be of a hazardous and contagious nature or which might constitute a threat to public health; or when any person dies:
 - (a) Suddenly when in apparent good health;
 - (b) When unattended by a physician, chiropractor, or an accredited Christian Science practitioner, during the period of thirty-six hours immediately preceding his death;
 - (c) While in the custody of the law, or while an inmate in a public institution;
 - (d) In any unusual or suspicious manner;

the police, sheriff, law enforcement officer or official, or any person having knowledge of such a death shall immediately notify the office of the medical examiner of the known facts concerning the time, place, manner and circumstances of the death. Immediately upon receipt of notification, the medical examiner or his designated assistant shall take charge of the dead body and fully investigate the essential facts concerning the medical causes of death. He may take the names and addresses of witnesses to the death and shall file this information in his office. The medical examiner or his designated assistant shall take possession of all property of value found on the body, making exact inventory thereof on his report and shall direct the return of such property to the person entitled to its custody or possession. The medical examiner or his designated assistant examiner shall take possession of any object or article which, in his opinion, may be useful in establishing the cause of death, and deliver it to the prosecuting attorney of the county.

2. When a death occurs outside a licensed health care facility, the first licensed medical professional or law enforcement official learning of such death shall contact the county medical examiner. Immediately upon receipt of such notification, the medical examiner or the medical examiner's deputy shall make a determination if further investigation is necessary, based on information provided by the individual contacting the medical examiner, and immediately advise such individual of the medical examiner's intentions.

3. Notwithstanding the provisions of subsection 2 of this section to the contrary, when a death occurs under the care of a hospice, no investigation shall be required if the death is certified by the treating physician of the deceased or the medical director of the hospice as a natural death due to disease or diagnosed illness. The hospice shall provide written notice to the medical examiner within twenty-four hours of the death.

4. In case of sudden, violent or suspicious death after which the body was buried without any investigation or autopsy, the medical examiner, upon being advised of such facts, may at his own discretion request that the prosecuting attorney apply for a court order requiring the body to be exhumed.

~~[4-]~~ 5. The medical examiner shall certify the cause of death in any case where death occurred without medical attendance or where an attending physician refuses to sign a certificate of death, and may sign a certificate of death in the case of any death.

~~[5-]~~ 6. When the cause of death is established by the medical examiner, he shall file a copy of his findings in his office within thirty days after notification of the death.

~~[6-]~~ 7. (1) When a person is being transferred from one county to another county for medical treatment and such person dies while being transferred, or dies while being treated in the emergency room of the receiving facility, the place which the person is determined to be dead shall be considered the place of death and the county coroner or the medical examiner of the county from which the person was originally being transferred shall be responsible for determining the cause and manner of death for the Missouri certificate of death.

(2) The coroner or medical examiner in the county in which the person is determined to be dead may, with authorization of the coroner or medical examiner from the transferring county, investigate and conduct postmortem examinations at the expense of the coroner or medical examiner from the transferring county. The coroner or medical examiner from the transferring county shall be responsible for investigating the circumstances of such and completing the Missouri certificate of death. The certificate of death shall be filed in the county where the deceased was pronounced dead.

(3) Such coroner or medical examiner, or the county where a person is determined to be dead, shall immediately notify the coroner or medical examiner of the county from which the person was originally being transferred of the death of such person and shall make available information and records obtained for investigation of death.

(4) If a person does not die while being transferred and is institutionalized as a regularly admitted patient after such transfer and subsequently dies while in such institution, the coroner or medical examiner of the county in which the person is determined to be dead shall immediately notify the coroner or medical examiner of the county from which such person was originally transferred of the death of such person. In such cases, the county in which the deceased was institutionalized shall be considered the place of death. If the manner of death is by homicide, suicide, accident, criminal abortion including those that are self-induced, child fatality, or any unusual or suspicious manner, the investigation of the cause and manner of death shall revert to the county of origin, and this coroner or medical examiner shall be responsible for the Missouri certificate of death. The certificate of death shall be filed in the county where the deceased was pronounced dead.

~~[7-]~~ 8. There shall not be any statute of limitations or time limits on cause of death when death is the final result or determined to be caused by homicide, suicide, accident, criminal abortion including those self-induced, child fatality, or any unusual or suspicious manner. The place of death shall be the place in which the person is determined to be dead, but the final investigation of death determining the cause and manner of death shall revert to the county of origin, and this coroner or medical examiner shall be responsible for the Missouri certificate of death. The certificate of death shall be filed in the county where the deceased was pronounced dead.

~~[8-]~~ 9. Except as provided in subsection ~~[6]~~ 7 of this section, if a person dies in one county and the body is subsequently transferred to another county, for burial or other reasons, the county coroner or medical examiner where the death occurred shall be responsible for the certificate of death and for investigating the cause and manner of the death.

~~[9-]~~ 10. In performing the duties, the coroner or medical examiner shall comply with sections 58.775 to 58.785 with respect to organ donation.

190.094. MINIMUM AMBULANCE STAFFING — VOLUNTEER DEFINED. — 1. Any ambulance licensed in this state, when used as an ambulance and staffed with volunteer staff, shall be staffed with a minimum of one emergency medical technician and one other crew member who may be a licensed

emergency medical technician, registered nurse, physician, **physician assistant**, or someone who has an emergency medical responder certification.

2. When transporting a patient, at least one licensed emergency medical technician, registered nurse, **physician assistant**, or physician shall be in attendance with the patient in the patient compartment at all times.

3. For purposes of this section, "volunteer" shall mean an individual who performs hours of service without promise, expectation or receipt of compensation for services rendered. Compensation such as a nominal stipend per call to compensate for fuel, uniforms, and training shall not nullify the volunteer status.

190.105. AMBULANCE LICENSE REQUIRED, EXCEPTIONS — OPERATION OF AMBULANCE SERVICES — SALE OR TRANSFER OF OWNERSHIP, NOTICE REQUIRED. — 1. No person, either as owner, agent or otherwise, shall furnish, operate, conduct, maintain, advertise, or otherwise be engaged in or profess to be engaged in the business or service of the transportation of patients by ambulance in the air, upon the streets, alleys, or any public way or place of the state of Missouri unless such person holds a currently valid license from the department for an ambulance service issued pursuant to the provisions of sections 190.001 to 190.245.

2. No ground ambulance shall be operated for ambulance purposes, and no individual shall drive, attend or permit it to be operated for such purposes in the state of Missouri unless the ground ambulance is under the immediate supervision and direction of a person who is holding a currently valid Missouri license as an emergency medical technician. Nothing in this section shall be construed to mean that a duly registered nurse ~~[or]~~, a duly licensed physician, **or a duly licensed physician assistant** be required to hold an emergency medical technician's license. **When a physician assistant is in attendance with a patient on an ambulance, the physician assistant shall be exempt from any mileage limitations in any collaborative practice arrangement prescribed under law.** Each ambulance service is responsible for assuring that any person driving its ambulance is competent in emergency vehicle operations and has a safe driving record. Each ground ambulance shall be staffed with at least two licensed individuals when transporting a patient, except as provided in section 190.094. In emergency situations which require additional medical personnel to assist the patient during transportation, an emergency medical responder, firefighter, or law enforcement personnel with a valid driver's license and prior experience with driving emergency vehicles may drive the ground ambulance provided the ground ambulance service stipulates to this practice in operational policies.

3. No license shall be required for an ambulance service, or for the attendant of an ambulance, which:

(1) Is rendering assistance in the case of an emergency, major catastrophe or any other unforeseen event or series of events which jeopardizes the ability of the local ambulance service to promptly respond to emergencies; or

(2) Is operated from a location or headquarters outside of Missouri in order to transport patients who are picked up beyond the limits of Missouri to locations within or outside of Missouri, but no such outside ambulance shall be used to pick up patients within Missouri for transportation to locations within Missouri, except as provided in subdivision (1) of this subsection.

4. The issuance of a license pursuant to the provisions of sections 190.001 to 190.245 shall not be construed so as to authorize any person to provide ambulance services or to operate any ambulances without a franchise in any city not within a county or in a political subdivision in any county with a population of over nine hundred thousand inhabitants, or a franchise, contract or mutual-aid agreement in any other political subdivision which has enacted an ordinance making it unlawful to do so.

5. Sections 190.001 to 190.245 shall not preclude the adoption of any law, ordinance or regulation not in conflict with such sections by any city not within a county, or at least as strict as such sections by any county, municipality or political subdivision except that no such regulations or ordinances shall be

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adopted by a political subdivision in a county with a population of over nine hundred thousand inhabitants except by the county's governing body.

6. In a county with a population of over nine hundred thousand inhabitants, the governing body of the county shall set the standards for all ambulance services which shall comply with subsection 5 of this section. All such ambulance services must be licensed by the department. The governing body of such county shall not prohibit a licensed ambulance service from operating in the county, as long as the ambulance service meets county standards.

7. An ambulance service or vehicle when operated for the purpose of transporting persons who are sick, injured, or otherwise incapacitated shall not be treated as a common or contract carrier under the jurisdiction of the Missouri division of motor carrier and railroad safety.

8. Sections 190.001 to 190.245 shall not apply to, nor be construed to include, any motor vehicle used by an employer for the transportation of such employer's employees whose illness or injury occurs on private property, and not on a public highway or property, nor to any person operating such a motor vehicle.

9. A political subdivision that is authorized to operate a licensed ambulance service may establish, operate, maintain and manage its ambulance service, and select and contract with a licensed ambulance service. Any political subdivision may contract with a licensed ambulance service.

10. Except as provided in subsections 5 and 6, nothing in section 67.300, or subsection 2 of section 190.109, shall be construed to authorize any municipality or county which is located within an ambulance district or a fire protection district that is authorized to provide ambulance service to promulgate laws, ordinances or regulations related to the provision of ambulance services. This provision shall not apply to any municipality or county which operates an ambulance service established prior to August 28, 1998.

11. Nothing in section 67.300 or subsection 2 of section 190.109 shall be construed to authorize any municipality or county which is located within an ambulance district or a fire protection district that is authorized to provide ambulance service to operate an ambulance service without a franchise in an ambulance district or a fire protection district that is authorized to provide ambulance service which has enacted an ordinance making it unlawful to do so. This provision shall not apply to any municipality or county which operates an ambulance service established prior to August 28, 1998.

12. No provider of ambulance service within the state of Missouri which is licensed by the department to provide such service shall discriminate regarding treatment or transportation of emergency patients on the basis of race, sex, age, color, religion, sexual preference, national origin, ancestry, handicap, medical condition or ability to pay.

13. No provision of this section, other than subsections 5, 6, 10 and 11 of this section, is intended to limit or supersede the powers given to ambulance districts pursuant to this chapter or to fire protection districts pursuant to chapter 321, or to counties, cities, towns and villages pursuant to chapter 67.

14. Upon the sale or transfer of any ground ambulance service ownership, the owner of such service shall notify the department of the change in ownership within thirty days of such sale or transfer. After receipt of such notice, the department shall conduct an inspection of the ambulance service to verify compliance with the licensure standards of sections 190.001 to 190.245.

190.143. TEMPORARY EMERGENCY MEDICAL TECHNICIAN LICENSE GRANTED, WHEN — LIMITATIONS — EXPIRATION. — 1. Notwithstanding any other provisions of law, the department may grant a ninety-day temporary emergency medical technician license to all levels of emergency medical technicians who meet the following:

(1) Can demonstrate that they have, or will have, employment requiring an emergency medical technician license;

(2) Are not currently licensed as an emergency medical technician in Missouri or have been licensed as an emergency medical technician in Missouri and fingerprints need to be submitted to the

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Federal Bureau of Investigation to verify the existence or absence of a criminal history, or they are currently licensed and the license will expire before a verification can be completed of the existence or absence of a criminal history;

(3) Have submitted a complete application upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to 190.245;

(4) Have not been disciplined pursuant to sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245;

(5) Meet all the requirements of rules promulgated pursuant to sections 190.001 to 190.245.

2. A temporary emergency medical technician license shall only authorize the license to practice while under the immediate supervision of a licensed emergency medical technician, registered nurse, **physician assistant**, or physician who is currently licensed, without restrictions, to practice in Missouri.

3. A temporary emergency medical technician license shall automatically expire either ninety days from the date of issuance or upon the issuance of a five-year emergency medical technician license.

190.196. EMPLOYER TO COMPLY WITH REQUIREMENTS OF LICENSURE — REPORT OF CHARGES FILED AGAINST LICENSEE, WHEN. — 1. No employer shall knowingly employ or permit any employee to perform any services for which a license, certificate or other authorization is required by sections 190.001 to 190.245, or by rules adopted pursuant to sections 190.001 to 190.245, unless and until the person so employed possesses all licenses, certificates or authorizations that are required.

2. Any person or entity that employs or supervises a person's activities as an emergency medical responder, emergency medical dispatcher, emergency medical technician, registered nurse, **physician assistant**, or physician shall cooperate with the department's efforts to monitor and enforce compliance by those individuals subject to the requirements of sections 190.001 to 190.245.

3. Any person or entity who employs individuals licensed by the department pursuant to sections 190.001 to 190.245 shall report to the department within seventy-two hours of their having knowledge of any charges filed against a licensee in their employ for possible criminal action involving the following felony offenses:

(1) Child abuse or sexual abuse of a child;

(2) Crimes of violence; or

(3) Rape or sexual abuse.

4. Any licensee who has charges filed against him or her for the felony offenses in subsection 3 of this section shall report such an occurrence to the department within seventy-two hours of the charges being filed.

5. The department will monitor these reports for possible licensure action authorized pursuant to section 190.165.

193.145. DEATH CERTIFICATE — ELECTRONIC SYSTEM — CONTENTS, FILING, LOCALE, DUTIES OF CERTAIN PERSONS, TIME ALLOWED — CERTIFICATE MARKED PRESUMPTIVE, WHEN — TRAINING, FAILURE TO COMPLETE, EFFECT OF. — 1. A certificate of death for each death which occurs in this state shall be filed with the local registrar, or as otherwise directed by the state registrar, within five days after death and shall be registered if such certificate has been completed and filed pursuant to this section. All data providers in the death registration process, including, but not limited to, the state registrar, local registrars, the state medical examiner, county medical examiners, coroners, funeral directors or persons acting as such, embalmers, sheriffs, attending physicians and resident physicians, physician assistants, assistant physicians, advanced practice registered nurses, and the chief medical officers of licensed health care facilities, and other public or private institutions providing medical care, treatment, or confinement to persons, shall be required to use and utilize any electronic death registration system required and adopted under subsection 1 of section 193.265 within six months of the system being certified by the director of the department of health and senior services,

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or the director's designee, to be operational and available to all data providers in the death registration process. However, should the person or entity that certifies the cause of death not be part of, or does not use, the electronic death registration system, the funeral director or person acting as such may enter the required personal data into the electronic death registration system and then complete the filing by presenting the signed cause of death certification to the local registrar, in which case the local registrar shall issue death certificates as set out in subsection 2 of section 193.265. Nothing in this section shall prevent the state registrar from adopting pilot programs or voluntary electronic death registration programs until such time as the system can be certified; however, no such pilot or voluntary electronic death registration program shall prevent the filing of a death certificate with the local registrar or the ability to obtain certified copies of death certificates under subsection 2 of section 193.265 until six months after such certification that the system is operational.

2. If the place of death is unknown but the dead body is found in this state, the certificate of death shall be completed and filed pursuant to the provisions of this section. The place where the body is found shall be shown as the place of death. The date of death shall be the date on which the remains were found.

3. When death occurs in a moving conveyance in the United States and the body is first removed from the conveyance in this state, the death shall be registered in this state and the place where the body is first removed shall be considered the place of death. When a death occurs on a moving conveyance while in international waters or air space or in a foreign country or its air space and the body is first removed from the conveyance in this state, the death shall be registered in this state but the certificate shall show the actual place of death if such place may be determined.

4. The funeral director or person in charge of final disposition of the dead body shall file the certificate of death. The funeral director or person in charge of the final disposition of the dead body shall obtain or verify and enter into the electronic death registration system:

- (1) The personal data from the next of kin or the best qualified person or source available;
- (2) The medical certification from the person responsible for such certification if designated to do so under subsection 5 of this section; and
- (3) Any other information or data that may be required to be placed on a death certificate or entered into the electronic death certificate system including, but not limited to, the name and license number of the embalmer.

5. The medical certification shall be completed, attested to its accuracy either by signature or an electronic process approved by the department, and returned to the funeral director or person in charge of final disposition within seventy-two hours after death by the physician, physician assistant, assistant physician, **or** advanced practice registered nurse in charge of the patient's care for the illness or condition which resulted in death. In the absence of the physician, physician assistant, assistant physician, advanced practice registered nurse or with the physician's, physician assistant's, assistant physician's, or advanced practice registered nurse's approval the certificate may be completed and attested to its accuracy either by signature or an approved electronic process by the physician's associate physician, the chief medical officer of the institution in which death occurred, or the physician who performed an autopsy upon the decedent, provided such individual has access to the medical history of the case, views the deceased at or after death and death is due to natural causes. The person authorized to complete the medical certification may, in writing, designate any other person to enter the medical certification information into the electronic death registration system if the person authorized to complete the medical certificate has physically or by electronic process signed a statement stating the cause of death. Any persons completing the medical certification or entering data into the electronic death registration system shall be immune from civil liability for such certification completion, data entry, or determination of the cause of death, absent gross negligence or willful misconduct. The state registrar may approve alternate methods of obtaining and processing the medical certification and filing the death

certificate. The Social Security number of any individual who has died shall be placed in the records relating to the death and recorded on the death certificate.

6. When death occurs from natural causes more than thirty-six hours after the decedent was last treated by a physician, physician assistant, assistant physician, advanced practice registered nurse, the case shall be referred to the county medical examiner or coroner or physician or local registrar for investigation to determine and certify the cause of death. If the death is determined to be of a natural cause, the medical examiner or coroner or local registrar shall refer the certificate of death to the attending physician, physician assistant, assistant physician, advanced practice registered nurse for such certification. If the attending physician, physician assistant, assistant physician, advanced practice registered nurse refuses or is otherwise unavailable, the medical examiner or coroner or local registrar shall attest to the accuracy of the certificate of death either by signature or an approved electronic process within thirty-six hours.

7. If the circumstances suggest that the death was caused by other than natural causes, the medical examiner or coroner shall determine the cause of death and shall ~~[complete and attest to the accuracy]~~, either by signature or an approved electronic process, **complete and attest to the accuracy of the medical certification** within seventy-two hours after taking charge of the case.

8. If the cause of death cannot be determined within seventy-two hours after death, the attending medical examiner, coroner, attending physician, physician assistant, assistant physician, advanced practice registered nurse, or local registrar shall give the funeral director, or person in charge of final disposition of the dead body, notice of the reason for the delay, and final disposition of the body shall not be made until authorized by the medical examiner, coroner, attending physician, physician assistant, assistant physician, advanced practice registered nurse, or local registrar.

9. When a death is presumed to have occurred within this state but the body cannot be located, a death certificate may be prepared by the state registrar upon receipt of an order of a court of competent jurisdiction which shall include the finding of facts required to complete the death certificate. Such a death certificate shall be marked "Presumptive", show on its face the date of registration, and identify the court and the date of decree.

10. (1) The department of health and senior services shall notify all physicians, physician assistants, assistant physicians, and advanced practice registered nurses licensed under chapters 334 and 335 of the requirements regarding the use of the electronic vital records system provided for in this section.

(2) On or before August 30, 2015, the department of health and senior services, division of community and public health shall create a working group comprised of representation from the Missouri electronic vital records system users and recipients of death certificates used for professional purposes to evaluate the Missouri electronic vital records system, develop recommendations to improve the efficiency and usability of the system, and to report such findings and recommendations to the general assembly no later than January 1, 2016.

11. Notwithstanding any provision of law to the contrary, if a coroner or deputy coroner is not current with or is without the approved training under chapter 58, the department of health and senior services shall prohibit such coroner from attesting to the accuracy of a certificate of death. No person elected or appointed to the office of coroner can assume such elected office until the training, as established by the coroner standards and training commission under the provisions of section 58.035, has been completed and a certificate of completion has been issued. In the event a coroner cannot fulfill his or her duties or is no longer qualified to attest to the accuracy of a death certificate, the sheriff of the county shall appoint a medical professional to attest death certificates until such time as the coroner can resume his or her duties or another coroner is appointed or elected to the office.

193.265. FEES FOR CERTIFICATION AND OTHER SERVICES — DISTRIBUTION — SERVICES FREE, WHEN. — 1. For the issuance of a certification or copy of a death record, the applicant shall pay

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a fee of ~~[thirteen]~~ **fourteen** dollars for the first certification or copy and a fee of ~~[ten]~~ **eleven** dollars for each additional copy ordered at that time. For the issuance of a certification or copy of a birth, marriage, divorce, or fetal death record, the applicant shall pay a fee of fifteen dollars. No fee shall be required or collected for a certification of birth, death, or marriage if the request for certification is made by the children's division, the division of youth services, a guardian ad litem, or a juvenile officer on behalf of a child or person under twenty-one years of age who has come under the jurisdiction of the juvenile court under section 211.031. All fees **collected under this subsection** shall be deposited to the state department of revenue. Beginning August 28, 2004, for each vital records fee collected, the director of revenue shall credit four dollars to the general revenue fund, five dollars to the children's trust fund, one dollar shall be credited to the endowed care cemetery audit fund, **one dollar for each certification or copy of death records to the Missouri state coroners' training fund established in section 58.208,** and three dollars for the first copy of death records and five dollars for birth, marriage, divorce, and fetal death records shall be credited to the Missouri public services health fund established in section 192.900. Money in the endowed care cemetery audit fund shall be available by appropriation to the division of professional registration to pay its expenses in administering sections 214.270 to 214.410. All interest earned on money deposited in the endowed care cemetery audit fund shall be credited to the endowed care cemetery fund. Notwithstanding the provisions of section 33.080 to the contrary, money placed in the endowed care cemetery audit fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds three times the amount of the appropriation from the endowed care cemetery audit fund for the preceding fiscal year. The money deposited in the public health services fund under this section shall be deposited in a separate account in the fund, and moneys in such account, upon appropriation, shall be used to automate and improve the state vital records system, and develop and maintain an electronic birth and death registration system. For any search of the files and records, when no record is found, the state shall be entitled to a fee equal to the amount for a certification of a vital record for a five-year search to be paid by the applicant. For the processing of each legitimation, adoption, court order or recording after the registrant's twelfth birthday, the state shall be entitled to a fee equal to the amount for a certification of a vital record. Except whenever a certified copy or copies of a vital record is required to perfect any claim of any person on relief, or any dependent of any person who was on relief for any claim upon the government of the state or United States, the state registrar shall, upon request, furnish a certified copy or so many certified copies as are necessary, without any fee or compensation therefor.

2. For the issuance of a certification of a death record by the local registrar, the applicant shall pay a fee of ~~[thirteen]~~ **fourteen** dollars for the first certification or copy and a fee of ~~[ten]~~ **eleven** dollars for each additional copy ordered at that time. **For each fee collected under this subsection, one dollar shall be deposited to the state department of revenue and the remainder shall be deposited to the official city or county health agency. The director of revenue shall credit all fees deposited to the state department of revenue under this subsection to the Missouri state coroners' training fund established in section 58.208.**

3. For the issuance of a certification or copy of a birth, marriage, divorce, or fetal death record, the applicant shall pay a fee of fifteen dollars; except that, in any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, a donation of one dollar may be collected by the local registrar over and above any fees required by law when a certification or copy of any marriage license or birth certificate is provided, with such donations collected to be forwarded monthly by the local registrar to the county treasurer of such county and the donations so forwarded to be deposited by the county treasurer into the housing resource commission fund to assist homeless families and provide financial assistance to organizations addressing homelessness in such county. The local registrar shall include a check-off box on the application form for such copies. All fees **collected under this subsection**, other than the donations collected in any county with a charter form of government and with more than six hundred thousand but fewer than

seven hundred thousand inhabitants for marriage licenses and birth certificates, shall be deposited to the official city or county health agency.

4. A certified copy of a death record by the local registrar can only be issued within twenty-four hours of receipt of the record by the local registrar. Computer-generated certifications of death records may be issued by the local registrar after twenty-four hours of receipt of the records. The fees paid to the official county health agency shall be retained by the local agency for local public health purposes.

209.334. REFUSAL TO ISSUE OR RENEW LICENSE, GROUNDS, COMPLAINT PROCEDURE — REINSTATEMENT PROCEDURE. — 1. The committee may refuse to issue or renew any license required by the provisions of sections 209.319 to 209.339 for one or any combination of causes stated in subsection 2 of this section. The committee shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his or her right to file a complaint with the administrative hearing commission as provided by chapter 621.

2. The committee may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any license required by sections 209.319 to 209.339 or any person who has failed to renew or has surrendered his license for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person's ability to engage in the occupation of interpreting;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state ~~or~~ , of the United States, **or of any country**, for any offense ~~reasonably~~ **directly** related to the ~~qualifications, functions or~~ duties ~~of an interpreter, for any offense an essential element of which is fraud, dishonesty or an act of violence,~~ **and responsibilities of the occupation, as set forth in section 324.012, regardless of** whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation or bribery in securing any license issued pursuant to the provisions of sections 209.319 to 209.339 or in obtaining permission to take any examination given or required pursuant to the provisions of sections 209.319 to 209.339;

(4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

(5) Incompetency, misconduct, fraud, misrepresentation or dishonesty in the performance of the functions or duties of interpreting;

(6) Violation of, or assisting or enabling any person to violate, any provision of sections 209.319 to 209.339, or of any lawful rule or regulation adopted pursuant to sections 209.319 to 209.339;

(7) Impersonation of any person holding a license or allowing any person to use his or her license or certification;

(8) Discipline of a license or other right to practice interpreting granted by another state, territory, federal agency or country upon grounds for which discipline is authorized in this state;

(9) Discipline of a certification issued by the Missouri commission for the deaf and hard of hearing or any other certifying body upon grounds for which discipline is authorized in this state if the licensee was given notice and an opportunity to be heard before the certification was disciplined;

(10) A person is finally adjudged incapacitated by a court of competent jurisdiction;

(11) Assisting or enabling any person to practice or offer to practice interpreting who is not licensed and currently eligible to practice under the provisions of sections 209.319 to 209.339;

(12) Issuance of a license based upon a material mistake of fact;

(13) Violation of any professional trust or confidence;

(14) Failure to display or present a valid license if so required by sections 209.319 to 209.339 or any rule promulgated pursuant thereto.

3. Any person, organization, association or corporation who reports or provides information to the committee pursuant to the provisions of sections 209.319 to 209.339 and who does so in good faith shall not be subject to an action for civil damages as a result thereof.

4. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the committee may singly or in combination, censure or place the person named in the complaint on probation on such terms and conditions as the committee deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke the license.

5. In any order of revocation, the committee may provide that the person may not apply for reinstatement of his license for three years after the revocation.

6. Before restoring to good standing a license issued pursuant to sections 209.319 to 209.339 which has been revoked, suspended or inactive for any cause, the committee shall require the applicant to submit to the committee, verification, from the Missouri commission for the deaf that the applicant has a current certification which qualifies that person for licensure.

214.276. REFUSAL TO ISSUE LICENSE, GROUNDS — COMPLAINT, PROCEDURE. — 1. The division may refuse to issue or renew any license, required pursuant to sections 214.270 to 214.516 for one or any combination of causes stated in subsection 2 of this section. The division shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his or her right to file a complaint with the administrative hearing commission as provided by chapter 621.

2. The division may cause a complaint to be filed with the administrative hearing commission as provided in chapter 621 against any holder of any license, required by sections 214.270 to 214.516 or any person who has failed to surrender his or her license, for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by sections 214.270 to 214.516;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution pursuant to the laws of any state ~~[or]~~, of the United States, **or of any country**, for any offense ~~[reasonably]~~ **directly** related to the ~~[qualifications, functions or]~~ duties ~~[of any profession licensed or regulated pursuant to sections 214.270 to 214.516, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude,]~~ **and responsibilities of the occupation, as set forth in section 324.012, regardless of whether or not sentence is imposed;**

(3) Use of fraud, deception, misrepresentation or bribery in securing any license, issued pursuant to sections 214.270 to 214.516 or in obtaining permission to take any examination given or required pursuant to sections 214.270 to 214.516;

(4) Obtaining or attempting to obtain any fee, charge or other compensation by fraud, deception or misrepresentation;

(5) Incompetence, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of any profession regulated by sections 214.270 to 214.516;

(6) Violation of, or assisting or enabling any person to violate, any provision of sections 214.270 to 214.516, or any lawful rule or regulation adopted pursuant to sections 214.270 to 214.516;

(7) Impersonation of any person holding a license or allowing any person to use his or her license;

(8) Disciplinary action against the holder of a license or other right to practice any profession regulated by sections 214.270 to 214.516 granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;

(9) A person is finally adjudged insane or incompetent by a court of competent jurisdiction;

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Matter in bold-face type is proposed language.

(10) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by sections 214.270 to 214.516 who is not registered and currently eligible to practice pursuant to sections 214.270 to 214.516;

(11) Issuance of a license based upon a material mistake of fact;

(12) Failure to display a valid license;

(13) Violation of any professional trust or confidence;

(14) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;

(15) Willfully and through undue influence selling a burial space, cemetery services or merchandise.

3. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the division may singly or in combination, censure or place the person named in the complaint on probation on such terms and conditions as the division deems appropriate for a period not to exceed five years, or may suspend, or revoke the license or permit or may impose a penalty allowed by subsection 4 of section 214.410. No new license shall be issued to the owner or operator of a cemetery or to any corporation controlled by such owner for three years after the revocation of the certificate of the owner or of a corporation controlled by the owner.

4. The division may settle disputes arising under subsections 2 and 3 of this section by consent agreement or settlement agreement between the division and the holder of a license. Within such a settlement agreement, the division may singly or in combination impose any discipline or penalties allowed by this section or subsection 4 of section 214.410. Settlement of such disputes shall be entered into pursuant to the procedures set forth in section 621.045.

5. Use of the procedures set out in this section shall not preclude the application of any other remedy provided by this chapter.

256.477. PROHIBITED ACTIVITIES, PENALTIES — BOARD TO REVOKE CERTIFICATE, WHEN. — 1. No person shall employ fraud or deceit in obtaining the certificate of registration. A violation of this subsection shall be a class B misdemeanor.

2. Any person found to have performed geologic work regulated under sections 256.450 to 256.483 in a negligent manner shall be guilty of a class B misdemeanor.

3. Any person who uses the seal of a registered geologist, other than the person to whom the seal was issued, shall be guilty of a class B misdemeanor.

4. The board shall revoke the certification of registration for ~~[a] any person [convicted of any felony or any crime involving moral turpitude or sentence of imprisonment or probation in lieu thereof, or for any misdemeanor relating to or arising out of the practice of geology affecting public health, safety and welfare]~~ **who has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state, of the United States, or of any country, for any offense directly related to the duties and responsibilities of the occupation, as set forth in section 324.012, regardless of whether or not sentence is imposed.**

317.015. COMPLAINTS AGAINST LICENSEES, FILED WITH ADMINISTRATIVE HEARING COMMISSION — REFUSAL TO ISSUE LICENSE, NOTIFICATION, APPEAL — SANCTIONS ON LICENSE PERMITTED, WHEN. — 1. Any person wishing to make a complaint against a licensee under sections 317.001 to 317.014 shall file the written complaint with the division setting forth supporting details. If the division determines that the charges warrant a hearing to ascertain whether the licensee shall be disciplined, it shall file a complaint with the administrative hearing commission as provided in

chapter 621. Any person holding more than one license issued by the division and disciplined under one license will automatically be disciplined under all licenses.

2. (1) The division may refuse to issue any permit or license pursuant to this chapter for one or any combination of reasons stated in paragraphs (a) through (m) of subdivision (2) of this subsection. The division shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of their rights to file a complaint or an appeal with the administrative hearing commission as provided in chapter 621.

(2) The division may file a complaint with the administrative hearing commission, as provided in chapter 621, against any holder of any permit or license issued pursuant to this chapter, or against any person who has failed to renew or has surrendered their permit or license, for any one or more of the following reasons:

(a) Use of an alcoholic beverage or any controlled substance, as defined in chapter 195, before or during a bout;

(b) The person has been **finally adjudicated and** found guilty, or has entered a plea of guilty or nolo contendere, in a criminal prosecution under ~~[any state or federal law]~~ **the laws of any state, of the United States, or of any country**, for any offense ~~[reasonably]~~ **directly** related to the ~~[qualifications, functions or]~~ **duties and responsibilities** of ~~[any profession licensed or regulated under this chapter, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude,]~~ **the occupation, as set forth in section 324.012, regardless of** whether or not a sentence is imposed;

(c) Use of fraud, deception, misrepresentation or bribery in securing any permit or license issued pursuant to this chapter;

(d) Providing false information on applications or medical forms;

(e) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performing of the functions or duties of any profession licensed or regulated by this chapter;

(f) Violating or enabling any person to violate any provision of this chapter or any rule adopted pursuant to this chapter;

(g) Impersonating any permit or license holder or allowing any person to use their permit or license;

(h) Contestants failing to put forth their best effort during a bout;

(i) Disciplinary action against the holder of a license or other right to practice any profession regulated by this chapter and issued by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;

(j) A person adjudged mentally incompetent by a court of competent jurisdiction;

(k) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;

(l) Use of foul or abusive language or mannerisms or threats of physical harm by any person associated with any bout or contest licensed pursuant to this chapter; or

(m) Issuance of a permit or license based upon a mistake of fact.

(3) After the complaint is filed, the proceeding shall be conducted in accordance with the provisions of chapter 621. If the administrative hearing commission finds that a person has violated one or more of the grounds as provided in paragraphs (a) through (m) of subdivision (2) of this subsection, the division may censure or place the person named in the complaint on probation on appropriate terms and conditions for a period not to exceed five years, may suspend the person's license for a period not to exceed three years, or may revoke the person's license.

3. Upon a finding that the grounds provided in subsection 2 of this section for disciplinary action are met, the office may, singly or in combination, censure or place on probation on such terms and conditions as the office deems appropriate for a period not to exceed five years, or may suspend for a period not to exceed three years or revoke the certificate, license, or permit. In any order of revocation, the office may provide that the person shall not apply for a new license for a maximum of three years

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and one day following the date of the order of revocation. All stay orders shall toll the disciplinary time periods allotted herein. In lieu of or in addition to any remedy specifically provided in subsection 1 of this section, the office may require of a licensee:

- (1) Satisfactory completion of medical testing and/or rehabilitation programs as the office may specify; and/or
- (2) A review conducted as the office may specify and satisfactory completion of medical testing and/or rehabilitation programs as the office may specify.

324.009. LICENSURE RECIPROCITY — DEFINITIONS — REQUIREMENTS — INAPPLICABILITY, WHEN. — 1. For purposes of this section, the following terms mean:

(1) "License", a license, certificate, registration, permit, or accreditation that enables a person to legally practice an occupation or profession in a particular jurisdiction~~]; except that "license" shall not include a certificate of license to teach in public schools under section 168.021];~~

(2) "Nonresident military spouse", a nonresident spouse of an active duty member of the Armed Forces of the United States who has been transferred or is scheduled to be transferred to the state of Missouri, or who has been transferred or is scheduled to be transferred to an adjacent state and is or will be domiciled in the state of Missouri, or has moved to the state of Missouri on a permanent change-of-station basis;

(3) "Oversight body", any board, department, agency, or office of a jurisdiction that issues licenses~~]; except, for the purposes of this section, oversight body shall not include the state board of registration for the healing arts, the state board of nursing, the board of pharmacy, the state committee of psychologists, the Missouri dental board, the Missouri board for architects, professional engineers, professional land surveyors and professional landscape architects, the state board of optometry, or the Missouri veterinary medical board];~~

(4) "Resident military spouse", a spouse of an active duty member of the Armed Forces of the United States who has been transferred or is scheduled to be transferred to the state of Missouri or an adjacent state and who is a permanent resident of the state of Missouri, who is domiciled in the state of Missouri, or who has Missouri as his or her home of record.

2. Any person ~~[who is a resident of Missouri, a resident military spouse, or a nonresident military spouse and]~~ who holds a valid current license issued by another state, a territory of the United States, or the District of Columbia, **and who has been licensed for at least one year in such other jurisdiction,** may submit an application for a license in Missouri in the same occupation or profession, **and at the same practice level,** for which he or she holds the current license, along with proof of current licensure **and proof of licensure for at least one year in [all] the other [jurisdictions] jurisdiction,** to the relevant oversight body in this state.

3. The oversight body in this state shall:

(1) Within six months of receiving an application described in subsection 2 of this section ~~[from a resident of Missouri],~~ waive any examination, educational, or experience requirements for licensure in this state for the applicant if it determines that ~~[the licensing requirements in the jurisdiction that issued the applicant's license are substantially similar to or more stringent than the licensing requirements in Missouri for the same occupation or profession and shall issue such applicant a license under this section if such applicant otherwise meets the requirements of this section]~~ **there were minimum education requirements and, if applicable, work experience and clinical supervision requirements in effect and the other state verifies that the person met those requirements in order to be licensed or certified in that state. An oversight body that administers an examination on laws of this state as part of its licensing application requirement may require an applicant to take and pass an examination specific to the laws of this state; or**

(2) Within thirty days of receiving an application described in subsection 2 of this section from a nonresident military spouse or a resident military spouse, waive any examination, educational, or

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experience requirements for licensure in this state for the applicant and issue such applicant a license under this section if such applicant otherwise meets the requirements of this section.

4. **(1)** The oversight body shall not waive any examination, educational, or experience requirements for any applicant who **has had his or her license revoked by an oversight body outside the state; who is currently under investigation, who has a complaint pending, or who** is currently under disciplinary action, **except as provided in subdivision (2) of this subsection,** with an oversight body outside the state; **who does not hold a license in good standing with an oversight body outside the state; who has a criminal record that would disqualify him or her for licensure in Missouri;** or who does not hold a valid current license in the other jurisdiction on the date the oversight body receives his or her application under this section.

(2) If another jurisdiction has taken disciplinary action against an applicant, the oversight body shall determine if the cause for the action was corrected and the matter resolved. If the matter has not been resolved by that jurisdiction, the oversight body may deny a license until the matter is resolved.

5. ~~[The oversight body shall not waive any examination, educational, or experience requirements for any applicant if it determines that waiving the requirements for the applicant may endanger the public health, safety, or welfare.]~~

~~6.]~~ Nothing in this section shall prohibit the oversight body from denying a license to an applicant under this section for any reason described in any section associated with the occupation or profession for which the applicant seeks a license.

6. Any person who is licensed under the provisions of this section shall be subject to the applicable oversight body's jurisdiction and all rules and regulations pertaining to the practice of the licensed occupation or profession in this state.

7. This section shall not be construed to waive any requirement for an applicant to pay any fees, post any bonds or surety bonds, or submit proof of insurance associated with the license the applicant seeks.

8. This section shall not apply to business, professional, or occupational licenses issued or required by political subdivisions.

9. The provisions of this section shall not impede an oversight body's authority to require an applicant to submit fingerprints as part of the application process.

10. The provisions of this section shall not apply to an oversight body that has entered into a licensing compact with another state for the regulation of practice under the oversight body's jurisdiction. The provisions of this section shall not be construed to alter the authority granted by, or any requirements promulgated pursuant to, any interjurisdictional or interstate compacts adopted by Missouri statute or any reciprocity agreements with other states~~]. If any conflict arises between the provisions of this section and the provisions of any interjurisdictional or interstate compact or reciprocity agreement, the provisions of such compact or agreement shall prevail. If a conflict arises between the provisions of this section and any federal law or rule, the provisions of the federal law or rule shall prevail]~~ **in effect on August 28, 2018, and whenever possible this section shall be interpreted so as to imply no conflict between it and any compact, or any reciprocity agreements with other states in effect on August 28, 2018.**

~~[10. For the purposes of this section, resident military spouses and nonresident military spouses shall be eligible to apply for a license with any board, department, agency, or office of a jurisdiction that issues licenses including, but not limited to, the state board of registration for the healing arts; the state board of nursing; the board of pharmacy; the state committee of psychologists; the Missouri dental board; the Missouri board for architects, professional engineers, professional land surveyors, and professional landscape architects; the state board of optometry; and the Missouri veterinary medical board.]~~

11. Notwithstanding any other provision of law, a license issued under this section shall be valid only in this state and shall not make a licensee eligible to be part of an interstate compact. An applicant who is licensed in another state pursuant to an interstate compact shall not be eligible for licensure by an oversight body under the provisions of this section.

12. The provisions of this section shall not apply to any occupation set forth in subsection 6 of section 290.257, or any electrical contractor licensed under sections 324.900 to 324.945.

324.012. FRESH START ACT OF 2020 — DEFINITIONS — PRIOR CONVICTIONS NOT DISQUALIFYING OR CONSIDERED, WHEN — DENIAL OF LICENSE, NOTICE — APPLICABILITY.
— 1. This section shall be known and may be cited as the "Fresh Start Act of 2020".

2. As used in this section, the following terms mean:

(1) "Criminal conviction", any conviction, finding of guilt, plea of guilty, or plea of nolo contendere;

(2) "Licensing", any required training, education, or fee to work in a specific occupation, profession, or activity in the state;

(3) "Licensing authority", an agency, examining board, credentialing board, or other office of the state with the authority to impose occupational fees or licensing requirements on any profession. The term "licensing authority" shall not include the state board of education's licensure of teachers pursuant to chapter 168, the Missouri state board of accountant's licensure of accountants pursuant to chapter 326, the board of podiatric medicine's licensure of podiatrists pursuant to chapter 330, the Missouri dental board's licensure of dentists pursuant to chapter 332, the state board of registration for the healing art's licensure of physicians and surgeons pursuant to chapter 334, the Missouri state board of nursing's licensure of nurses pursuant to chapter 335, the board of pharmacy's licensure of pharmacists pursuant to chapter 338, the Missouri real estate commission's licensure of real estate brokers, real estate salespersons, or real estate broker-salespersons pursuant to sections 339.010 to 339.205, the Missouri veterinary medical board's licensure of veterinarian's pursuant to chapter 340, the Missouri director of finance appointed pursuant to chapter 361, or the peace officer standards and training commission's licensure of peace officers or other law enforcement personnel pursuant to chapter 590;

(4) "Political subdivision", a city, town, village, municipality, or county.

3. Notwithstanding any other provision of law, beginning January 1, 2021, no person shall be disqualified by a state licensing authority from pursuing, practicing, or engaging in any occupation for which a license is required solely or in part because of a prior conviction of a crime in this state or another state, unless the criminal conviction directly relates to the duties and responsibilities for the licensed occupation as set forth in this section or is violent or sexual in nature.

4. Beginning August 28, 2020, applicants for examination of licensure who have pleaded guilty to, entered a plea of nolo contendere to, or been found guilty of any of the following offenses or offenses of a similar nature established under the laws of this state, any other state, United States, or any other country, notwithstanding whether sentence is imposed, shall be considered by state licensing authorities to have committed a criminal offense that directly relates to the duties and responsibilities of a licensed profession:

(1) Any murder in the first degree, or dangerous felony as defined under section 556.061 excluding an "intoxication-related traffic offense" or "intoxication-related boating offense" if the person is found to be a "habitual offender" or "habitual boating offender" as such terms are defined in section 577.001;

(2) Any of the following sexual offenses: rape in the first degree, forcible rape, rape, statutory rape in the first degree, statutory rape in the second degree, rape in the second degree, sexual

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assault, sodomy in the first degree, forcible sodomy, statutory sodomy in the first degree, statutory sodomy in the second degree, child molestation in the first degree, child molestation in the second degree, sodomy in the second degree, deviate sexual assault, sexual misconduct involving a child, sexual misconduct in the first degree under section 566.090 as it existed prior to August 28, 2013, sexual abuse under section 566.100 as it existed prior to August 28, 2013, sexual abuse in the first or second degree, enticement of a child, or attempting to entice a child;

(3) Any of the following offenses against the family and related offenses: incest, abandonment of a child in the first degree, abandonment of a child in the second degree, endangering the welfare of a child in the first degree, abuse of a child, using a child in a sexual performance, promoting sexual performance by a child, or trafficking in children; and

(4) Any of the following offenses involving child pornography and related offenses: promoting obscenity in the first degree, promoting obscenity in the second degree when the penalty is enhanced to a class E felony, promoting child pornography in the first degree, promoting child pornography in the second degree, possession of child pornography in the first degree, possession of child pornography in the second degree, furnishing child pornography to a minor, furnishing pornographic materials to minors, or coercing acceptance of obscene material;

(5) The offense of delivery of a controlled substance, as provided in section 579.020, may be a disqualifying criminal offense for the following occupations: real estate appraisers and appraisal management companies, licensed pursuant to sections 339.500 to 339.549; and nursing home administrators, licensed pursuant to chapter 344; and

(6) Any offense an essential element of which is fraud may be a disqualifying criminal offense for the following occupations: private investigators, licensed pursuant to sections 324.1100 to 324.1148; accountants, licensed pursuant to chapter 326; architects, licensed pursuant to sections 327.091 to 327.172; engineers, licensed pursuant to sections 327.181 to 327.271; land surveyors, licensed pursuant to sections 327.272 to 327.371; landscape architects, licensed pursuant to sections 327.600 to 327.635; chiropractors, licensed pursuant to chapter 331; embalmers and funeral directors, licensed pursuant to chapter 333; real estate appraisers and appraisal management companies, licensed pursuant to sections 339.500 to 339.549; and nursing home administrators, licensed pursuant to chapter 344.

5. If an individual is charged with any of the crimes set forth in subsection 4 of this section, and is convicted, pleads guilty to, or is found guilty of a lesser included offense and is sentenced to a period of incarceration, such conviction shall only be considered by state licensing authorities as a criminal offense that directly relates to the duties and responsibilities of a licensed profession for four years, beginning on the date such individual is released from incarceration.

6. (1) Licensing authorities shall only list criminal convictions that are directly related to the duties and responsibilities for the licensed occupation.

(2) The licensing authority shall determine whether an applicant with a criminal conviction listed under subdivision (1) of this subsection will be denied a license based on the following factors:

(a) The nature and seriousness of the crime for which the individual was convicted;

(b) The passage of time since the commission of the crime, including consideration of the factors listed under subdivision (3) of this subsection;

(c) The relationship of the crime to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the occupation; and

(d) Any evidence of rehabilitation or treatment undertaken by the individual that might mitigate against a direct relation.

(3) If an individual has a valid criminal conviction for a criminal offense that could disqualify the individual from receiving a license, the disqualification shall not apply to an individual who

has been exonerated for a crime for which he or she has previously been convicted of or incarcerated.

7. An individual with a criminal record may petition a licensing authority at any time for a determination of whether the individual's criminal record will disqualify the individual from obtaining a license. This petition shall include details on the individual's criminal record. The licensing authority shall inform the individual of his or her standing within thirty days after the licensing authority has met, but in no event more than four months after receiving the petition from the applicant. The decision shall be binding, unless the individual has subsequent criminal convictions or failed to disclose information in his or her petition. The licensing authority may charge a fee by rule to recoup its costs as set by rule making authority not to exceed twenty-five dollars for each petition.

8. (1) If a licensing authority denies an individual a license solely or in part because of the individual's prior conviction of a crime, the licensing authority shall notify the individual in writing of the following:

(a) The grounds and reasons for the denial or disqualification;

(b) That the individual has the right to a hearing as provided by chapter 621 to challenge the licensing authority's decision;

(c) The earliest date the person may reapply for a license; and

(d) That evidence of rehabilitation may be considered upon reapplication.

(2) Any written determination by the licensing authority that an applicant's criminal conviction is a specifically listed disqualifying conviction and is directly related to the duties and responsibilities for the licensed occupation shall be documented with written findings for each of the grounds or reasons under paragraph (a) of subdivision (1) of this subsection by clear and convincing evidence sufficient for a reviewing court.

(3) In any administrative hearing or civil litigation authorized under this subsection, the licensing authority shall carry the burden of proof on the question of whether the applicant's criminal conviction directly relates to the occupation for which the license is sought.

9. The provisions of this section shall apply to any profession for which an occupational license is issued in this state, including any new occupational license created by a state licensing authority after August 28, 2020. Notwithstanding any other provision of law, political subdivisions shall be prohibited from creating any new occupational licenses after August 28, 2020. The provisions of this section shall not apply to business licenses, where the terms "occupational licenses" and "business licenses" are used interchangeably in a city or county charter definition.

324.025. EXPANDED WORKFORCE ACCESS ACT OF 2020 — DEFINITIONS — APPRENTICESHIP LICENSURE, REQUIREMENTS — RULEMAKING AUTHORITY — INAPPLICABILITY. — 1. The provisions of this section shall be known and may be cited as the "Expanded Workforce Access Act of 2020".

2. For purposes of this section, the following terms mean:

(1) "Apprenticeship", a program that the United States Department of Labor deems to meet the federal guidelines set out in 29 CFR Part 29 and 29 U.S.C. Section 50;

(2) "License", a license, certificate, registration, permit, or accreditation that enables a person to legally practice an occupation, profession, or activity in the state;

(3) "Licensing authority", an agency, examining board, credentialing board, or other office of the state with the authority to impose occupational fees or licensing requirements on any profession.

3. Beginning January 1, 2021, within the parameters established under the federal Labor Standards For the Registration of Apprenticeship Programs under 29 CFR Part 29 and 29 U.S.C.

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Section 50, each state licensing authority shall grant a license to any applicant who meets the following criteria:

- (1) Successfully completed the eighth grade;
- (2) Completed an apprenticeship approved by the division of professional registration or the United States Department of Labor, or otherwise permitted under state or federal law; and
- (3) Passed an examination, if one is deemed to be necessary, by the appropriate licensing authority.

4. (1) The appropriate licensing authority shall establish a passing score for any necessary examinations under the apprenticeship program which shall not exceed any passing scores that are otherwise required for a non-apprenticeship license for the specific profession.

(2) If there is no examination requirement for a non-apprenticeship license, no examination shall be required for applicants who complete an apprenticeship.

(3) The number of working hours required for a competency-based apprenticeship or a hybrid apprenticeship under 29 CFR 29.5 shall not exceed the number of educational hours otherwise required for a non-apprenticeship license for the specific profession.

5. Any department with oversight over a licensing authority may promulgate all necessary rules and regulations for the implementation of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2020, shall be invalid and void.

6. The provisions of this section shall not apply to any occupation set forth in section 290.257, or any electrical contractor licensed under sections 324.900 to 324.945.

324.035. CONTINUING EDUCATION, USE OF OCCUPATIONAL FEES PROHIBITED, WHEN — EXCEPTIONS. — 1. No board, commission, or committee within the division of professional registration shall utilize occupational fees, or any other fees associated with licensing requirements, or contract or partner with any outside vendor or agency for the purpose of offering continuing education classes.

2. Nothing in this section shall be construed to preclude a board, commission, or committee within the division of professional registration from utilizing occupational licensure fees for the purpose of participating in conferences, seminars, or other outreach for the purpose of communicating information to licensees with respect to changes in policy, law, or regulations.

324.047. GUIDELINES FOR REGULATION OF CERTAIN OCCUPATIONS AND PROFESSIONS — DEFINITIONS — LIMITATION ON STATE REGULATION, REQUIREMENTS — REPORTS. — 1. The purpose of this section is to promote general welfare by establishing guidelines for the regulation of occupations and professions not regulated prior to January 1, 2019, and guidelines for combining any additional occupations or professions under a single license regulated by the state prior to January 1, 2019.

2. For purposes of this section, the following terms mean:

(1) "Applicant group", any occupational or professional group or organization, any individual, or any other interested party that seeks to be licensed or further regulated or supports any bill that proposes to combine any additional occupations or professions under a single license regulated by the state prior to January 1, 2019;

(2) "Certification", a program in which the government grants nontransferable recognition to an individual who meets personal qualifications established by a regulatory entity. Upon approval, the individual may use "certified" as a designated title. This term shall not be synonymous with an occupational license;

(3) "Department", the department of commerce and insurance;

(4) "Director", the director of the division of professional registration;

(5) "Division", the division of professional registration;

(6) "General welfare", the concern of the government for the health, peace, morality, and safety of its residents;

(7) "Lawful occupation", a course of conduct, pursuit, or profession that includes the sale of goods or services that are not themselves illegal to sell irrespective of whether the individual selling them is subject to an occupational regulation;

(8) "Least restrictive type of occupational regulation", the regulation that is least restrictive, in which the following list of regulations in order from least to most restrictive is used to make such determination:

(a) Bonding or insurance;

(b) Registration;

(c) Certification;

(d) Occupational license;

(9) "Occupational license", a nontransferable authorization in law for an individual to perform a lawful occupation for compensation based on meeting personal qualifications established by a regulatory entity and that, if not possessed, prohibits the individual from performing the occupation for compensation;

(10) "Occupational regulation", a statute, ordinance, rule, practice, policy, or other law requiring an individual to possess certain personal qualifications to work in a lawful occupation;

(11) "Personal qualifications", criteria related to an individual's personal background, including completion of an approved educational program, satisfactory performance on an examination, work experience, criminal history, and completion of continuing education;

(12) "Practitioner", an individual who has achieved knowledge and skill by practice and is actively engaged in a specified occupation or profession;

(13) "Registration", a requirement established by the general assembly in which an individual:

(a) Submits notification to a state agency; and

(b) May use "registered" as a designated title.

Notification may include the individual's name and address, the individual's agent for service of process, the location of the activity to be performed, and a description of the service the individual provides. Registration may include a requirement to post a bond but does not include education or experience requirements. If the requirement of registration is not met, the individual is prohibited from performing the occupation for compensation or using "registered" as a designated title. The term "registration" shall not be synonymous with an occupational license;

(14) "Regulatory entity", any board, commission, agency, division, or other unit or subunit of state government that regulates one or more professions, occupations, industries, businesses, or other endeavors in this state;

(15) "State agency", every state office, department, board, commission, regulatory entity, and agency of the state. The term "state agency" includes, if provided by law, programs and activities involving less than the full responsibility of a state agency;

(16) "Substantial burden", a requirement in an occupational regulation that imposes significant difficulty or cost on an individual seeking to enter into or continue in a lawful occupation and is more than an incidental burden.

3. All individuals may engage in the occupation of their choice, free from unreasonable government regulation. The state shall not impose a substantial burden on an individual's pursuit of his or her occupation or profession unless there is a reasonable interest for the state to protect the general welfare. If such an interest exists, the regulation adopted by the state shall be the least restrictive type of occupational regulation consistent with the public interest to be protected.

4. All bills introduced in the general assembly to regulate, pursuant to subsection 6 of this section, an occupation or profession shall be reviewed according to the following criteria. An occupation or profession shall be regulated by the state if:

(1) Unregulated practice could cause harm and endanger the general welfare, and the potential for further harm and endangerment is recognizable;

(2) The public can reasonably be expected to benefit from an assurance of personal qualifications; and

(3) The general welfare cannot be sufficiently protected by other means.

5. After evaluating the criteria in subdivision (3) of this subsection and considering governmental, economic, and societal costs and benefits, if the general assembly finds that the state has a reasonable interest in regulating, pursuant to subsection 6 of this section, an occupation or profession not previously regulated by law, the most efficient form of regulation shall be implemented, consistent with this section and with the need to protect the general welfare, as follows:

(1) If the threat to the general welfare resulting from the practitioner's services is easily predictable, the regulation shall implement a system of insurance, bonding, or registration;

(2) If the consumer has challenges accessing credentialing information or possesses significantly less information on how to report abuses such that the practitioner puts the consumer in a disadvantageous position relative to the practitioner to judge the quality of the practitioner's services, the regulation shall implement a system of certification; and

(3) If other regulatory structures, such as bonding, insurance, registration, and certification, insufficiently protect the general welfare from recognizable harm, the regulation shall implement a system of licensing.

6. After January 1, 2019, any relevant regulatory entity shall report, and the department shall make available to the general assembly, upon the filing of a bill that proposes additional regulation of a profession or occupation currently regulated by the regulatory entity, the following factors to the department:

(1) A description of the professional or occupational group proposed for expansion of regulation, including the number of individuals or business entities that would be subject to regulation to the extent that such information is available; the names and addresses of associations, organizations, and other groups representing the practitioners; and an estimate of the number of practitioners in each group;

(2) Whether practice of the profession or occupation proposed for expansion of regulation requires such a specialized skill that the public is not qualified to select a competent practitioner without assurances that minimum qualifications have been met;

(3) The nature and extent of potential harm to the public if the profession or occupation is not regulated as described in the bill, the extent to which there is a threat to the general welfare, and production of evidence of potential harm, including a description of any complaints filed with state law enforcement authorities, courts, departmental agencies, professional or occupational boards, and professional and occupational associations that have been lodged against practitioners of the profession or occupation in this state within the past five years. Notwithstanding the provisions of this section or any other section, the relevant regulatory entity shall provide, and the department shall make available to the general assembly, the information relating to such complaints even if the information is considered a closed record or otherwise confidential; except that, the regulatory entity and the department shall redact names and other personally identifiable information from the information released;

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

(4) A description of the voluntary efforts made by practitioners of the profession or occupation to protect the public through self-regulation, private certifications, membership in professional or occupational associations, or academic credentials and a statement of why these efforts are inadequate to protect the public;

(5) The extent to which expansion of regulation of the profession or occupation will increase the cost of goods or services provided by practitioners and the overall cost-effectiveness and economic impact of the proposed regulation, including the direct cost to the government and the indirect costs to consumers;

(6) The extent to which expansion of regulation of the profession or occupation would increase or decrease the availability of services to the public;

(7) The extent to which existing legal remedies are inadequate to prevent or redress the kinds of harm potentially resulting from the lack of the requirements outlined in the bill;

(8) Why bonding and insurance, registration, certification, occupational license to practice, or another type of regulation is being proposed, why that regulatory alternative was chosen, and whether the proposed method of regulation is appropriate;

(9) A list of other states that regulate the profession or occupation, the type of regulation, copies of other states' laws, and available evidence from those states of the effect of regulation on the profession or occupation in terms of a before-and-after analysis;

(10) The details of any previous efforts in this state to implement regulation of the profession or occupation;

(11) Whether the proposed requirements for regulation exceed the national industry standards of minimal competence, if such standards exist, and what those standards are if they exist; and

(12) The method proposed to finance the proposed regulation and financial data pertaining to whether the proposed regulation can be reasonably financed by current or proposed licensees through dedicated revenue mechanisms.

7. If no existing regulatory entity regulates the occupation or profession to be regulated in the bill, the department shall report and make available to the general assembly, upon the filing of a bill after January 1, 2019, that proposes new regulation of a profession or occupation, the following factors:

(1) A description of the professional or occupational group proposed for regulation, including the number of individuals or business entities that would be subject to regulation to the extent that such information is available; the names and addresses of associations, organizations, and other groups representing the practitioners; and an estimate of the number of practitioners in each group;

(2) The nature and extent of potential harm to the public if the profession or occupation is not regulated, the extent to which there is a threat to the general welfare, and production of evidence of potential harm, including a description of any complaints filed with state law enforcement authorities, courts, departmental agencies, professional or occupational boards, and professional and occupational associations that have been lodged against practitioners of the profession or occupation in this state within the past five years. Notwithstanding the provisions of this section or any other section, the department shall release the information relating to such complaints even if the information is considered a closed record or otherwise confidential; except that, the department shall redact names and other personally identifiable information from the information released;

(3) A list of other states that regulate the profession or occupation, the type of regulation, copies of other states' laws, and available evidence from those states of the effect of regulation on the profession or occupation in terms of a before-and-after analysis;

(4) The details of any previous efforts in this state to implement regulation of the profession or occupation; and

(5) Whether the proposed requirements for regulation exceed the national industry standards of minimal competence, if such standards exist, and what those standards are if they exist.

8. After January 1, 2019, applicant groups may report to the department, and the department shall make available to the general assembly, any of the information required in subsection 6 or 7 of this section and whether the profession or occupation plans to apply for mandated benefits.

9. Nothing in this section shall be construed to change any requirement for an individual to hold current private certification as a condition of licensure or renewal of licensure. This section shall not require a private certification organization to grant or deny private certification to any individual.

324.086. REFUSAL TO ISSUE LICENSE, WHEN — NOTIFICATION OF APPLICANT — COMPLAINT PROCEDURE. — 1. The board may refuse to issue or renew any certificate of registration or authority, permit or license required pursuant to sections 324.050 to 324.089 for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his or her right to file a complaint with the administrative hearing commission as provided by chapter 621.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate of registration or authority, permit or license required by sections 324.050 to 324.089 or any person who has failed to renew or has surrendered his or her certificate of registration or authority, permit or license for any one or any combination of the following causes:

(1) Use or unlawful possession of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of an occupational therapist or occupational therapy assistant;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state ~~[or]~~, of the United States, **or of any country**, for any offense ~~[reasonably]~~ **directly** related to the ~~[qualifications, functions or]~~ duties ~~[of any profession licensed or regulated by sections 324.050 to 324.089, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude,]~~ **and responsibilities of the occupation, as set forth in section 324.012, regardless of** whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of registration or authority, permit or license issued pursuant to sections 324.050 to 324.089 or in obtaining permission to take any examination given or required pursuant to sections 324.050 to 324.089;

(4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions and duties of any profession licensed or regulated by sections 324.050 to 324.089;

(6) Violation of, or assisting or enabling any person to violate, any provision of sections 324.050 to 324.089 or any lawful rule or regulation adopted pursuant to sections 324.050 to 324.089;

(7) Impersonation of any person holding a certificate of registration or authority, permit or license or allowing any person to use his or her certificate of registration or authority, permit, license or diploma from any school;

(8) Disciplinary action against the holder of a license or other right to practice any profession regulated by sections 324.050 to 324.089 granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;

(9) A person is finally adjudged insane or incompetent by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by sections 324.050 to 324.089 who is not registered and currently eligible to practice pursuant to sections 324.050 to 324.089;

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

- (11) Issuance of a certificate of registration or authority, permit or license based upon a material mistake of fact;
- (12) Violation of any professional trust or confidence;
- (13) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;
- (14) Unethical conduct as defined in the ethical standards for occupational therapists and occupational therapy assistants adopted by the board and filed with the secretary of state;
- (15) Violation of the drug laws or rules and regulations of this state, any other state or federal government.

3. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds provided in subsection 2 of this section for disciplinary action are met, the board may, singly or in combination, censure or place the person named in the complaint on probation with such terms and conditions as the board deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or may revoke the license, certificate or permit.

4. An individual whose license has been revoked shall wait at least one year from the date of revocation to apply for relicensure. Relicensure shall be at the discretion of the board after compliance with all requirements of sections 324.050 to 324.089 relative to the licensing of the applicant for the first time.

324.217. REFUSAL TO ISSUE OR RENEW LICENSE, WHEN — COMPLAINT FILED AGAINST LICENSEE, WHEN — HEARING PROCEDURES — MAINTENANCE OF COMPLAINTS FILED — RECOMMENDATION FOR PROSECUTION. — 1. The committee may refuse to issue any license or renew any license required by the provisions of sections 324.200 to 324.225 for one or any combination of reasons stated in subsection 2 of this section. The committee shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the right to file a complaint with the administrative hearing commission as provided in chapter 621.

2. The committee may cause a complaint to be filed with the administrative hearing commission as provided in chapter 621 against the holder of any license required by sections 324.200 to 324.225 or any person who has failed to renew or has surrendered the person's license for any one or any combination of the following causes:

- (1) Use of fraud, deception, misrepresentation or bribery in securing a license issued pursuant to the provisions of sections 324.200 to 324.225 or in obtaining permission to take the examination required pursuant to sections 324.200 to 324.225;
- (2) Impersonation of any person holding a license or allowing any person to use his or her license or diploma from any school;
- (3) Disciplinary action against the holder of a license or other right to practice medical nutrition therapy by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;
- (4) Issuance of a license based upon a material mistake of fact;
- (5) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution pursuant to the laws of any state ~~[or]~~ , of the United States, ~~or of any country,~~ for any offense ~~[reasonably]~~ **directly** related to the ~~[qualifications, functions, or]~~ duties ~~[of the professional who is regulated pursuant to sections 324.200 to 324.225, for any offense an essential element of which is fraud, dishonesty or act of violence, or for any offense involving moral turpitude,] and responsibilities of the occupation, as set forth in section 324.012,~~ regardless of whether or not sentence is imposed;
- (6) Incompetence, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of the profession that is regulated by sections 324.200 to 324.225;

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

(7) Violation of, or assisting or enabling any person to violate, any provision of sections 324.200 to 324.225, or any lawful rule or regulation adopted pursuant to such sections;

(8) A person is finally adjudged insane or incompetent by a court of competent jurisdiction;

(9) Use of any advertisement or solicitation that is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;

(10) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

(11) Use or unlawful possession of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any profession that is licensed or regulated by sections 324.200 to 324.225;

(12) Violation of the drug laws or rules and regulations of this state, any other state or the federal government; or

(13) Violation of any professional trust or confidence.

3. Any person, organization, association or corporation who reports or provides information to the committee pursuant to the provisions of sections 324.200 to 324.225 and who does so in good faith shall not be subject to an action for civil damages as a result thereof.

4. After the filing of a complaint pursuant to subsection 2 of this section, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the committee may, singly or in combination, censure or place the person named in the complaint on probation on such terms and conditions as the committee deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke the license of the person. An individual whose license has been revoked shall wait one year from the date of revocation to apply for relicensure. Relicensure shall be at the discretion of the committee after compliance with all requirements of sections 324.200 to 324.225 relative to the licensing of an applicant for the first time.

5. The committee shall maintain an information file containing each complaint filed with the committee relating to a holder of a license.

6. The committee shall recommend for prosecution violations of sections 324.200 to 324.225 to an appropriate prosecuting or circuit attorney.

324.262. REFUSAL TO ISSUE, SUSPENSION OR REVOCATION OF LICENSE OF BUSINESS OR THERAPIST, WHEN — PROCEDURE — LIMITATION OF LIABILITY. — 1. The board may refuse to issue, renew or reinstate any license required by sections 324.240 to 324.275 for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his or her right to file a complaint with the administrative hearing commission as provided by chapter 621.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any license issued pursuant to sections 324.240 to 324.275 or any person who has failed to renew or has surrendered his or her license for any one or any combination of the following causes:

(1) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution pursuant to the laws of any state ~~[or]~~, of the United States, **or of any country**, for any offense ~~[reasonably]~~ **directly** related to the ~~[qualifications, functions or]~~ duties ~~[of the profession regulated pursuant to sections 324.240 to 324.275, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude,]~~ **and responsibilities of the occupation, as set forth in section 324.012, regardless of** whether or not sentence is imposed;

(2) Use of fraud, deception, misrepresentation or bribery in securing any license issued pursuant to sections 324.240 to 324.275 or in obtaining permission to take any examination given or required pursuant to sections 324.240 to 324.275;

(3) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

(4) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of the profession regulated by sections 324.240 to 324.275;

(5) Violation of, or assisting or enabling any person to violate, any provision of sections 324.240 to 324.275, or of any lawful rule or regulation adopted pursuant to sections 324.240 to 324.275, including providing massage therapy under subdivision (7) of section 324.240 at a massage business as defined in subdivision (5) of section 324.240 that is not licensed under this chapter;

(6) Impersonation of any person holding a license or allowing any other person to use his or her certificate or diploma from any school;

(7) Disciplinary action against the holder of a license or other right to practice the profession regulated by sections 324.240 to 324.275 granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;

(8) A person is finally adjudged insane or incompetent by a court of competent jurisdiction;

(9) Issuance of a license based upon a material mistake of fact;

(10) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed.

3. Any person, organization, association or corporation who reports or provides information to the division pursuant to the provisions of sections 324.240 to 324.275 and who does so in good faith and without negligence shall not be subject to an action for civil damages as a result thereof.

4. After the filing of a complaint pursuant to subsection 2 of this section, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that one or more of the grounds for disciplinary action provided in subsection 2 of this section are met, the board may, singly or in combination, censure or place the person named in the complaint on probation or suspension or revoke the license of the person on such terms and conditions as the division deems appropriate.

324.265. MASSAGE THERAPISTS, QUALIFICATIONS OF APPLICANTS — WAIVER, WHEN — LICENSURE TERM, RENEWAL — STUDENT LICENSE, WHEN — PROVISIONAL LICENSE, WHEN — EXEMPTIONS — EXEMPTIONS FOR CERTAIN THERAPISTS LICENSED IN OTHER JURISDICTIONS. — 1. A person desiring a license to practice massage therapy shall be at least eighteen years of age, ~~[shall be of good moral character,]~~ shall pay the appropriate required application fee, and shall submit satisfactory evidence to the board of meeting at least one of the following requirements:

(1) Has passed a statistically valid examination on therapeutic massage and body work which is approved by the board, prior to August 28, 1999, and applies for such license by December 31, 2000; or

(2) Has completed a program of massage therapy studies, as defined by the board, consisting of at least five hundred hours of supervised instruction and subsequently passing an examination approved by the board. The examination may consist of school examinations. The program and course of instruction shall be approved by the board.

(a) The five hundred hours of supervised instruction shall consist of three hundred hours dedicated to massage theory and practice techniques, one hundred hours dedicated to the study of anatomy and physiology, fifty hours dedicated to business practice, professional ethics, hygiene and massage law in the state of Missouri, and fifty hours dedicated to ancillary therapies, including cardiopulmonary resuscitation (CPR) and first aid.

(b) A person completing a massage therapy program comprised of less than five hundred hours of supervised instruction may submit an application for licensure and the board shall establish requirements for the applicant to complete the requirements of paragraph (a) of subdivision (2) of this subsection.

2. A person who has practiced less than three years or has less than one hundred hours of training may request a waiver of the requirements of subsection 1 of this section and apply for a temporary two-year license which shall not be renewable. By the end of such two-year period, such person shall complete at least one hundred additional hours of formal training, including at least twenty-five hours in anatomy and physiology, in a school approved by the board. Such person shall have until December 31, 2000, to apply for a temporary license pursuant to this subsection.

3. Each license issued pursuant to the provisions of this section shall expire on its renewal date. The board shall renew any license upon:

- (1) Application for renewal;
- (2) Proof, as provided by rule, that the therapist has completed twelve hours of continuing education; and
- (3) Payment of the appropriate renewal fee.

Failure to obtain the required continuing education hours, submit satisfactory evidence, or maintain required documentation is a violation of this subsection. As provided by rule, the board may waive or extend the time requirements for completion of continuing education for reasons related to health, military service, foreign residency, or other good cause. All requests for waivers or extensions of time shall be made in writing and submitted to the board before the renewal date.

4. An applicant who possesses the qualifications specified in subsection 2 of this section to take the examination approved by the board may be granted a provisional license to engage in the practice of massage therapy. An applicant for a provisional license shall submit proof that the applicant has applied for the examination approved by the board. A provisional license shall be valid for one year from the date of issuance and shall be deemed void upon its expiration date. A provisional licensee is prohibited from practicing massage therapy after expiration of the provisional license.

5. As determined by the board, students making substantial progress toward completion of their training in an approved curriculum shall be granted a student license for the purpose of practicing massage therapy on the public while under the supervision of a massage therapy instructor.

6. A student license may be renewed until the student completes such student's training. Upon request, the board may extend a provisional license for good cause at the discretion of the board. An application for the extension of a provisional license shall be submitted to the board prior to the expiration of the provisional license.

7. The following practitioners are exempt from the provisions of this section upon filing written proof with the board that they meet one or more of the following:

- (1) Persons who act under a Missouri state license, registration, or certification and perform soft tissue manipulation within their scope of practice;
- (2) Persons who restrict their manipulation of the soft tissues of the human body to the hands, feet or ears;
- (3) Persons who use touch and words to deepen awareness of existing patterns of movement in the human body as well as to suggest new possibilities of movement;
- (4) Persons who manipulate the human body above the neck, below the elbow, and below the knee and do not disrobe the client in performing such manipulation.

8. Any nonresident person licensed, registered, or certified by another state or territory of the United States, the District of Columbia, or foreign territory or recognized certification system determined as acceptable by the board shall be exempt from licensure as defined in this chapter, if such persons are incidentally called into the state to teach a course related to massage or body work therapy or to provide

massage therapy services as part of an emergency response team working in conjunction with disaster relief officials.

9. Any nonresident person holding a current license, registration, or certification in massage therapy from another state or recognized national certification system determined as acceptable by the board shall be exempt from licensure as defined in this chapter when temporarily present in this state for the purpose of providing massage therapy services at special events such as conventions, sporting events, educational field trips, conferences, and traveling shows or exhibitions.

324.436. REFUSAL TO ISSUE, RENEW OR REINSTATE CERTIFICATE, WHEN — COMPLAINT FILED, PROCEDURE. — 1. The division may refuse to issue any certificate required pursuant to sections 324.400 to 324.439, or renew or reinstate any such certificate, for any one or any combination of the reasons stated in subsection 2 of this section. The division shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the person's right to file a complaint with the administrative hearing commission as provided in chapter 621.

2. The division may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of a certificate of registration required by sections 324.400 to 324.439 or any person who has failed to renew or has surrendered the person's certificate of registration for any one or combination of the following reasons:

(1) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of ~~[this state or]~~ any ~~[other]~~ state or of the United States, **or of any country**, for any offense ~~[reasonably]~~ **directly** related to the ~~[qualifications, functions or] duties [of the profession regulated by sections 324.400 to 324.439; for any offense for which an essential element is fraud, dishonesty or an act of violence; or for a felony,]~~ **and responsibilities of the occupation, as set forth in section 324.012, regardless of** whether or not sentence is imposed;

(2) Use of fraud, deception, misrepresentation or bribery in securing any certificate of registration issued pursuant to sections 324.400 to 324.439 or in obtaining permission to take any examination given or required pursuant to sections 324.400 to 324.439;

(3) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

(4) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of the profession regulated by sections 324.400 to 324.439;

(5) Violation of, or assisting or enabling any person to violate, any provision of sections 324.400 to 324.439, or of any lawful rule or regulation adopted pursuant to such sections;

(6) Impersonation of any person holding a certificate of registration or authority, permit or license or allowing any person to use the person's certificate or diploma from any school;

(7) Disciplinary action against the holder of a certificate of registration or other right to perform the profession regulated by sections 324.400 to 324.439 granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;

(8) A person is finally adjudged insane or incompetent by a court of competent jurisdiction;

(9) Issuance of a certificate of registration based upon a material mistake of fact;

(10) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed, as it relates to the interior design profession.

3. After the filing of a complaint pursuant to subsection 2 of this section, the proceedings shall be conducted in accordance with the provisions of chapter 536 and chapter 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the division shall censure or place the person named in the complaint on probation for a period not to exceed five years or may suspend the person's certificate for a period not to exceed three years or may revoke the person's certificate of registration.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

324.496. AUTHORITY OF THE BOARD — COMPLAINTS, PROCEDURE — LIMITATION OF LIABILITY. — 1. The board, with recommendation by the committee, may refuse to issue, renew or reinstate any license required by sections 324.475 to 324.499 for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his or her right to file a complaint with the administrative hearing commission as provided by chapter 621.

2. The board, with recommendation by the committee, may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any license issued pursuant to sections 324.475 to 324.499 or any person who has failed to renew or has surrendered his or her license for any one or any combination of the following causes:

(1) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution pursuant to the laws of any state ~~[or]~~, of the United States, **or of any country**, for any offense ~~[reasonably]~~ **directly** related to the ~~[qualifications, functions or]~~ duties ~~[of the profession regulated pursuant to sections 324.475 to 324.499, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude,]~~ **and responsibilities of the occupation, as set forth in section 324.012, regardless of** whether or not sentence is imposed;

(2) Use of fraud, deception, misrepresentation or bribery in securing any license issued pursuant to sections 324.475 to 324.499 or in obtaining permission to take any examination given or required pursuant to sections 324.475 to 324.499;

(3) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

(4) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of the profession regulated by sections 324.475 to 324.499;

(5) Violation of, or assisting or enabling any person to violate, any provision of sections 324.475 to 324.499, or of any lawful rule or regulation adopted pursuant to such sections;

(6) Impersonation of any person holding a license or allowing any person to use his or her certificate or diploma from any school or certification entity;

(7) Disciplinary action against the holder of a license or other right to practice the profession regulated by sections 324.475 to 324.499 granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;

(8) A person is finally adjudged insane or incompetent by a court of competent jurisdiction;

(9) Issuance of a license based upon a material mistake of fact;

(10) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;

(11) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by sections 324.475 to 324.499.

3. Any person, organization, association or corporation who reports or provides information to the division, board or committee pursuant to the provisions of sections 324.475 to 324.499 and who does so in good faith and without negligence shall not be subject to an action for civil damages as a result thereof.

4. After the filing of a complaint pursuant to subsection 2 of this section, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the board may, upon recommendation of the committee, singly or in combination, censure or place the person named in the complaint on probation, suspension or revoke the license of the person on such terms and conditions as the division deems appropriate.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

324.523. COMPLAINT MAY BE FILED WITH ADMINISTRATIVE HEARING COMMISSION, WHEN, PROCEDURE — DISCIPLINE AUTHORIZED, WHEN. — 1. The division may refuse to issue or cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate of registration or authority, permit or license required under sections 324.520 to 324.526, or any person who has failed to renew or has surrendered his or her certificate of registration or authority, permit, or license for any one or any combination of the following causes:

(1) Use or illegal possession of any controlled substance, as defined in chapter 195, or use of any alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any profession that is licensed or regulated under sections 324.520 to 324.526;

(2) Final adjudication and finding of guilt, or the ~~[entrance of a]~~ plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state ~~[or]~~, of the United States, **or of any country**, for any offense ~~[reasonably]~~ **directly** related to the ~~[qualifications, functions, or]~~ duties ~~[of any profession that is licensed or regulated under sections 324.520 to 324.526, and the regulations promulgated thereunder, for any offense an essential element of which is fraud, dishonesty, or an act of violence, or for any offense involving moral turpitude,]~~ **and responsibilities of the occupation, as set forth in section 324.012, regardless of** whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation, or bribery in securing any certificate of registration or authority, permit or license required under sections 324.520 to 324.526;

(4) Obtaining or attempting to obtain any fee, charge, tuition, or other compensation by fraud, deception, or misrepresentation;

(5) Incompetence, misconduct, gross negligence, fraud, misrepresentation, or dishonesty in the performance of the functions or duties of any profession that is licensed or regulated under sections 324.520 to 324.526;

(6) Violation of, or assisting or enabling any person to violate, any provision of sections 324.520 to 324.526, or any lawful rule or regulation adopted under sections 324.520 to 324.526;

(7) Impersonation of any person holding a certificate of registration or authority, permit, or license, or allowing any person to use his or her certificate of registration or authority, license, permit, or diploma from any school;

(8) Disciplinary action against the holder of a license or other right to practice any profession regulated under sections 324.520 to 324.526 granted by another state, territory, federal agency, or country upon grounds for which revocation or suspension is authorized in this state;

(9) Final adjudication by a court of competent jurisdiction that a person is insane or incompetent;

(10) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated under sections 324.520 to 324.526 who is licensed and is currently ineligible to practice under sections 324.520 to 324.526;

(11) Causing the division to issue a certificate of registration or authority, permit, or license based upon a material mistake of fact;

(12) Failure to display a valid license;

(13) Violation of any advertisement or solicitation that is false, misleading, or deceptive to the general public, or persons to whom the advertisement or solicitation is primarily directed;

(14) Failure or refusal to properly guard against contagious, infectious, or communicable diseases and the spread thereof.

2. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that grounds, provided in subsection 1 of this section, for disciplinary action are met, the division may, singly, or in combination, censure or place the person named in the complaint on probation on such terms and conditions as the division deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke the license, certificate, or permit.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

3. The division, acting upon its own knowledge or written or verified complaint filed by any person, may discipline a person as provided in subsections 1 or 2 of this section or the division may bring an action to enjoin any person, establishment, firm, or corporation from engaging in an occupation regulated by the provisions of sections 324.520 to 324.526, if such person, firm, or corporation without being licensed to do so by the division engages in or practices an occupation licensed under sections 324.520 to 324.526. The action shall be brought in the county in which such person resides, or, in the case of an establishment, firm, or corporation, where the establishment, firm, or corporation maintains its principal office; and unless it appears that such person, establishment, firm, or corporation so engaging or practicing such occupation is licensed, the injunction shall be issued, and such person, firm, or corporation shall be perpetually enjoined from engaging in such activities throughout the state.

324.940. REFUSAL TO ISSUE OR RENEW LICENSE, SUSPENSION OF LICENSE, WHEN — PUBLICATION OF LIST OF VALID STATEWIDE LICENSE HOLDERS, COMPLAINTS MAY BE FILED, CAUSES, PROCEDURE — RELICENSURE, WHEN. — 1. The division may refuse to issue or renew or may suspend any license required under sections 324.900 to 324.945 for one or any combination of causes stated in subsection 4 of this section. The division shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his or her right to file a complaint with the administrative hearing commission as provided by chapter 621.

2. The division shall publish via electronic media and update on a weekly basis a list of valid statewide license holders, a list of current enforcement actions against license holders, and the procedures for filing grievances against licensees.

3. The permitting authority of each political subdivision may suspend a contractor's work in that political subdivision for a period of up to thirty days while a complaint is being forwarded by the permitting authority to the division for adjudication.

4. The division may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any license required by sections 324.900 to 324.945 or any person who has failed to renew or has surrendered his or her license for any one or any combination of the following causes:

(1) The final adjudication and finding of guilty, or the entering of a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state ~~[or]~~, of the United States, **or of any country**, for any offense ~~[reasonably]~~ **directly** related to the ~~[qualifications, functions, or]~~ duties ~~[of any profession licensed or regulated by sections 324.900 to 324.945, for any offense an essential element of which is fraud, dishonesty, or an act of violence,]~~ **and responsibilities of the occupation, as set forth in section 324.012, regardless of** whether or not sentence is imposed;

(2) Use of fraud, deception, misrepresentation, or bribery in securing any license issued under sections 324.900 to 324.945 or in obtaining permission to take any examination given or required under sections 324.900 to 324.945;

(3) Obtaining or attempting to obtain any fee, charge, tuition, or other compensation by fraud, deception, or misrepresentation;

(4) Incompetence, misconduct, gross negligence, fraud, misrepresentation, or dishonesty in the performance of the functions and duties of any profession licensed or regulated by sections 324.900 to 324.945;

(5) Violation of, or assisting or enabling any person to violate, any provision of sections 324.900 to 324.945 or any lawful rule adopted under sections 324.900 to 324.945;

(6) Impersonation of any person holding a license or allowing any person to use his or her license;

(7) Final adjudication of a person as insane or incompetent by a court of competent jurisdiction;

(8) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by sections 324.900 to 324.945 who is not registered and currently eligible to practice under sections 324.900 to 324.945;

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

(9) Issuance of a certificate of registration or authority, permit, or license based upon a material mistake of fact.

5. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds provided in subsection 4 of this section for disciplinary action are met, the division may, singly or in combination, censure or place the person named in the complaint on probation with such terms and conditions as the division deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke the license, certificate, or permit.

6. An individual whose license has been revoked shall wait at least one year from the date of revocation to apply for relicensure. Relicensure shall be at the discretion of the division after compliance with all requirements of sections 324.900 to 324.945 relative to the previous licensing of the applicant.

324.1112. DENIAL OF A REQUEST FOR LICENSURE, WHEN. — 1. The board may deny a request for a license if the applicant:

(1) Has committed any act which, if committed by a licensee, would be grounds for the suspension or revocation of a license under the provisions of sections 324.1100 to 324.1148;

(2) Has been convicted of or entered a plea of guilty or nolo contendere ~~to a felony offense, including the receiving of a suspended imposition of sentence following a plea or finding of guilty to a felony offense;~~

~~(3) Has been convicted of or entered a plea of guilty or nolo contendere to a misdemeanor offense involving moral turpitude, including receiving a suspended imposition of sentence following a plea of guilty to a misdemeanor offense]~~ **in a criminal prosecution under the laws of any state, of the United States, or of any country, for any offense directly related to the duties and responsibilities of the occupation, as set forth in section 324.012, regardless of whether or not a sentence has been imposed;**

~~[(4)]~~ (3) Has been refused a license under sections 324.1100 to 324.1148 or had a license revoked or denied in this state or any other state;

~~[(5)]~~ (4) Has falsified or willfully misrepresented information in an employment application, records of evidence, or in testimony under oath;

~~[(6)]~~ (5) Has been dependent on or abused alcohol or drugs; or

~~[(7)]~~ (6) Has used, possessed, or trafficked in any illegal substance;

~~[(8)]~~ (7) While unlicensed, committed or aided and abetted the commission of any act for which a license is required by sections 324.1100 to 324.1148 after August 28, 2007; or

~~[(9)]~~ (8) Knowingly made any false statement in the application to the board.

2. The board shall consider any evidence of the applicant's rehabilitation when considering a request for licensure.

324.1118. LICENSURE REQUIRED — PROHIBITED ACTS. — A private investigator agency or private fire investigator agency shall not hire an individual, who is not licensed as a private investigator or private fire investigator, as an employee if the individual:

(1) Has committed any act which, if committed by a licensee, would be grounds for the suspension or revocation of a license under the provisions of sections 324.1100 to 324.1148;

(2) Within two years prior to the application date:

(a) Has been convicted of or entered a plea of guilty or nolo contendere ~~to a felony offense, including the receiving of a suspended imposition of sentence following a plea or finding of guilty to a felony offense;~~

~~(b) Has been convicted of or entered a plea of guilty or nolo contendere to a misdemeanor offense involving moral turpitude, including receiving a suspended imposition of sentence following a plea of guilty to a misdemeanor offense]~~ **in a criminal prosecution under the laws of any state, of the United**

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

States, or of any country, for any offense directly related to the duties and responsibilities of the occupation, as set forth in section 324.012, regardless of whether or not a sentence has been imposed;

~~[(e)]~~ **(b)** Has falsified or willfully misrepresented information in an employment application, records of evidence, or in testimony under oath;

~~[(e)]~~ **(c)** Has been dependent on or abused alcohol or drugs; or

~~[(e)]~~ **(d)** Has used, possessed, or trafficked in any illegal substance;

(3) Has been refused a license under the provisions of sections 324.1100 to 324.1148 or had a license revoked, denied, or refused in this state or in any other state;

(4) While unlicensed, committed or aided and abetted the commission of any act for which a license is required by sections 324.1100 to 324.1148 after August 28, 2007; or

(5) Knowingly made any false statement in the application.

326.277. ELIGIBILITY FOR EXAMINATION, REQUIREMENTS. — 1. Prior to June 30, 2021, for an applicant to be eligible to apply for the examination, the applicant shall fulfill the education requirements of subdivision (4) of subsection 1 of section 326.280.

2. On or after June 30, 2021, for an applicant to be eligible to apply for the examination, the applicant shall:

(1) Provide proof that the applicant has completed at least one hundred twenty semester hours of college education at an accredited college or university recognized by the board, with an accounting concentration or equivalent as determined by the board by rule;

(2) Be at least eighteen years of age; and

(3) Be of good moral character.

326.280. LICENSE ISSUED, WHEN — REEXAMINATION AND FEES — TEMPORARY LICENSE ISSUED, WHEN. — 1. A license shall be granted by the board to any person who meets the requirements of this chapter and who:

(1) Is a resident of this state or has a place of business in this state or, as an employee, is regularly employed in this state;

(2) Has attained the age of eighteen years;

(3) Is of good moral character;

(4) Either:

(a) Applied for the initial examination prior to June 30, 1999, and holds a baccalaureate degree conferred by an accredited college or university recognized by the board, with a concentration in accounting or the substantial equivalent of a concentration in accounting as determined by the board; or

(b) Applied for the initial examination on or after June 30, 1999, and has at least one hundred fifty semester hours of college education, including a baccalaureate or higher degree conferred by an accredited college or university recognized by the board, with the total educational program including an accounting concentration or equivalent as determined by board rule to be appropriate;

(5) Has passed an examination in accounting, auditing and such other related subjects as the board shall determine is appropriate; and

(6) Has had one year of experience. Experience shall be verified by a licensee and shall include any type of service or advice involving the use of accounting, attest, compilation, management advisory, financial advisory, tax or consulting skills including governmental accounting, budgeting or auditing. The board shall promulgate rules and regulations concerning the verifying licensee's review of the applicant's experience.

2. The board may prescribe by rule the terms and conditions for reexaminations and fees to be paid for reexaminations.

3. A person who, on August 28, 2001, holds an individual permit issued pursuant to the laws of this state shall not be required to obtain additional licenses pursuant to sections 326.280 to 326.286, and the licenses issued shall be considered licenses issued pursuant to sections 326.280 to 326.286. However, such persons shall be subject to the provisions of section 326.286 for renewal of licenses.

4. Upon application, the board may issue a temporary license to an applicant pursuant to this subsection for a person who has made a prima facie showing that the applicant meets all of the requirements for a license and possesses the experience required. The temporary license shall be effective only until the board has had the opportunity to investigate the applicant's qualifications for licensure pursuant to subsection 1 of this section and notify the applicant that the applicant's application for a license has been granted or rejected. In no event shall a temporary license be in effect for more than twelve months after the date of issuance nor shall a temporary license be reissued to the same applicant. No fee shall be charged for a temporary license. The holder of a temporary license which has not expired, been suspended or revoked shall be deemed to be the holder of a license issued pursuant to this section until the temporary license expires, is terminated, suspended or revoked.

5. **Prior to June 30, 2021**, an applicant for an examination who meets the educational requirements of subdivision (4) of subsection 1 of this section or who reasonably expects to meet those requirements within sixty days after the examination shall be eligible for examination if the applicant also meets the requirements of subdivisions ~~[(4),]~~ (2) and (3) of subsection 1 of this section. For an applicant admitted to examination on the reasonable expectation that the applicant will meet the educational requirements within sixty days, no license shall be issued nor credit for the examination or any part thereof given unless the educational requirement is in fact met within the sixty-day period.

326.289. ISSUANCE AND RENEWAL OF PERMITS, PROCEDURE. — 1. The board may grant or renew permits to practice as a certified public accounting firm to applicants that demonstrate their qualifications in accordance with this chapter.

(1) The following shall hold a permit issued under this chapter:

(a) Any firm with an office in this state, as defined by the board by rule, offering or performing attest or compilation services; or

(b) Any firm with an office in this state that uses the title "CPA" or "CPA firm".

(2) Any firm that does not have an office in this state may offer or perform attest or compilation services in this state without a valid permit only if it meets each of the following requirements:

(a) It complies with the qualifications described in subdivision (1) of subsection 4 of this section;

(b) It complies with the requirements of peer review as set forth in this chapter and the board's promulgated regulations;

(c) It performs such services through an individual with practice privileges under section 326.283; and

(d) It can lawfully do so in the state where said individual with the privilege to practice has his or her principal place of business.

(3) A firm which is not subject to the requirements of subdivisions (1) or (2) of this subsection may perform other nonattest or noncompilation services while using the title "CPA" or "CPA firm" in this state without a permit issued under this section only if it:

(a) Performs such services through an individual with the privilege to practice under section 326.283; and

(b) Can lawfully do so in the state where said individual with privilege to practice has his or her principal place of business.

(4) (a) All firms practicing public accounting in this state shall register with the secretary of state.

(b) Firms which may be exempt from this requirement include:

a. Sole proprietorships;

b. Trusts created pursuant to revocable trust agreements, of which the trustee is a natural person who holds a license or privilege to practice as set forth in section 326.280, 326.283, or 326.286;

c. General partnerships not operating as a limited liability partnership; or

d. Foreign professional corporations which do not meet criteria of chapter 356 due to name or ownership, shall obtain a certificate of authority as a general corporation. Notwithstanding the provisions of chapter 356, the secretary of state may issue a certificate of authority to a foreign professional corporation which does not meet the criteria of chapter 356 due to name or ownership, if the corporation meets the requirements of this section and the rules of the board.

2. Permits shall be initially issued and renewed for periods of not more than three years or for a specific period as prescribed by board rule following issuance or renewal.

3. The board shall determine by rule the form for application and renewal of permits and shall annually determine the fees for permits and their renewals.

4. An applicant for initial issuance or renewal of a permit to practice under this section shall be required to show that:

(1) A simple majority of the ownership of the firm, in terms of financial interests and voting rights of all partners, officers, principals, shareholders, members or managers, belongs to licensees who are licensed in some state, and the partners, officers, principals, shareholders, members or managers, whose principal place of business is in this state and who perform professional services in this state are licensees under section 326.280 or the corresponding provision of prior law. Although firms may include nonlicensee owners, the firm and its ownership shall comply with rules promulgated by the board;

(2) Any certified public accounting firm may include owners who are not licensees provided that:

(a) The firm designates a licensee of this state, or in the case of a firm which must have a permit under this section designates a licensee of another state who meets the requirements of section 326.283, who is responsible for the proper registration of the firm and identifies that individual to the board;

(b) All nonlicensee owners are active individual participants in the certified public accounting firm or affiliated entities;

(c) All owners are of good moral character; and

(d) The firm complies with other requirements as the board may impose by rule;

(3) Any licensee who is responsible for supervising attest services, or signs or authorizes someone to sign the licensee's report on the financial statements on behalf of the firm, shall meet competency requirements as determined by the board by rule which shall include one year of experience in addition to the experience required under subdivision (6) of subsection 1 of section 326.280 and shall be verified by a licensee. The additional experience required by this subsection shall include experience in attest work supervised by a licensee.

5. An applicant for initial issuance or renewal of a permit to practice shall register each office of the firm within this state with the board and show that all attest and compilation services rendered in this state are under the charge of a licensee.

6. No licensee or firm holding a permit under this chapter shall use a professional or firm name or designation that is misleading as to:

(1) The legal form of the firm;

(2) The persons who are partners, officers, members, managers or shareholders of the firm; or

(3) Any other matter.

The names of one or more former partners, members or shareholders may be included in the name of a firm or its successor unless the firm becomes a sole proprietorship because of the death or withdrawal of all other partners, officers, members or shareholders. A firm may use a fictitious name if the fictitious name is registered with the board and is not otherwise misleading. The name of a firm shall not include the name or initials of an individual who is not a present or a past partner, member or shareholder of the

firm or its predecessor. The name of the firm shall not include the name of an individual who is not a licensee.

7. Applicants for initial issuance or renewal of permits shall list in their application all states in which they have applied for or hold permits as certified public accounting firms and list any past denial, revocation, suspension or any discipline of a permit by any other state. Each holder of or applicant for a permit under this section shall notify the board in writing within thirty days after its occurrence of any change in the identities of partners, principals, officers, shareholders, members or managers whose principal place of business is in this state; any change in the number or location of offices within this state; any change in the identity of the persons in charge of such offices; and any issuance, denial, revocation, suspension or any discipline of a permit by any other state.

8. Firms which fall out of compliance with the provisions of this section due to changes in firm ownership or personnel after receiving or renewing a permit shall take corrective action to bring the firm back into compliance as quickly as possible. The board may grant a reasonable period of time for a firm to take such corrective action. Failure to bring the firm back into compliance within a reasonable period as defined by the board may result in the suspension or revocation of the firm permit.

9. The board shall require by rule, as a condition to the renewal of permits, that firms undergo, no more frequently than once every three years, peer reviews conducted in a manner as the board shall specify. The review shall include a verification that individuals in the firm who are responsible for supervising attest and compilation services or sign or authorize someone to sign the accountant's report on the financial statements on behalf of the firm meet the competency requirements set out in the professional standards for such services, provided that any such rule:

(1) Shall include reasonable provision for compliance by a firm showing that it has within the preceding three years undergone a peer review that is a satisfactory equivalent to peer review generally required under this subsection;

(2) May require, with respect to peer reviews, that peer reviews be subject to oversight by an oversight body established or sanctioned by board rule, which shall periodically report to the board on the effectiveness of the review program under its charge and provide to the board a listing of firms that have participated in a peer review program that is satisfactory to the board; and

(3) Shall require, with respect to peer reviews, that the peer review processes be operated and documents maintained in a manner designed to preserve confidentiality, and that the board or any third party other than the oversight body shall not have access to documents furnished or generated in the course of the peer review of the firm except as provided in subdivision (2) of this subsection.

10. The board may, by rule, charge a fee for oversight of peer reviews, provided that the fee charged shall be substantially equivalent to the cost of oversight.

11. **Notwithstanding any other provision in this section, the board may obtain the following information regarding peer review from any approved American Institute for Certified Public Accountants peer review program:**

(1) **The firm's name and address;**

(2) **The firm's dates of enrollment in the program;**

(3) **The date of acceptance and the period covered by the firm's most recently accepted peer review; and**

(4) **If applicable, whether the firm's enrollment in the program has been dropped or terminated.**

12. In connection with proceedings before the board or upon receipt of a complaint involving the licensee performing peer reviews, the board shall not have access to any documents furnished or generated in the course of the performance of the peer reviews except for peer review reports, letters of comment and summary review memoranda. The documents shall be furnished to the board only in a redacted manner that does not specifically identify any firm or licensee being peer reviewed or any of their clients.

~~[42-]~~ 13. The peer review processes shall be operated and the documents generated thereby be maintained in a manner designed to preserve their confidentiality. No third party, other than the oversight body, the board, subject to the provisions of subsection ~~[44]~~ 12 of this section, or the organization performing peer review shall have access to documents furnished or generated in the course of the review. All documents shall be privileged and closed records for all purposes and all meetings at which the documents are discussed shall be considered closed meetings under subdivision (1) of section 610.021. The proceedings, records and workpapers of the board and any peer review subjected to the board process shall be privileged and shall not be subject to discovery, subpoena or other means of legal process or introduction into evidence at any civil action, arbitration, administrative proceeding or board proceeding. No member of the board or person who is involved in the peer review process shall be permitted or required to testify in any civil action, arbitration, administrative proceeding or board proceeding as to any matters produced, presented, disclosed or discussed during or in connection with the peer review process or as to any findings, recommendations, evaluations, opinions or other actions of such committees or any of its members; provided, however, that information, documents or records that are publicly available shall not be subject to discovery or use in any civil action, arbitration, administrative proceeding or board proceeding merely because they were presented or considered in connection with the peer review process.

327.131. APPLICANT FOR LICENSE AS ARCHITECT, QUALIFICATIONS. — Any person may apply to the board for licensure as an architect who is over the age of twenty-one, ~~[is of good moral character,]~~ has acquired an accredited degree from an accredited degree program from a school of architecture, holds a certified Intern Development Program (IDP) record with the National Council of Architectural Registration Boards, and has taken and passed all divisions of the Architect Registration Examination.

327.221. APPLICANT FOR LICENSE AS PROFESSIONAL ENGINEER, QUALIFICATIONS. — Any person may apply to the board for licensure as a professional engineer ~~[who is of good moral character, and]~~ who is a graduate of and holds a degree in engineering from an accredited school of engineering, or who possesses an education which includes at the minimum a baccalaureate degree in engineering, and which in the opinion of the board, equals or exceeds the education received by a graduate of an accredited school, and has acquired at least four years of satisfactory engineering experience, after such person has graduated and has received a degree or education as provided in this section; provided that the board shall by rule provide what shall constitute satisfactory engineering experience based upon recognized education and training equivalents, but in any event such rule shall provide that no more than one year of satisfactory postgraduate work in engineering subjects and that each year of satisfactory teaching of engineering subjects accomplished after a person has graduated from and has received a degree from an accredited school of engineering or after receiving an education as provided in this section shall count as equivalent years of satisfactory engineering experience.

327.312. LAND SURVEYOR-IN-TRAINING APPLICANT FOR ENROLLMENT, QUALIFICATIONS — **CERTIFICATE ISSUED WHEN.** — 1. Any person may apply to the board for enrollment as a land surveyor-in-training ~~[who is of good moral character,]~~ who is a high school graduate, or who holds a Missouri certificate of high school equivalence (GED), and either:

(1) Has graduated and received a baccalaureate degree in an approved curriculum as defined by board regulation which shall include at least twelve semester hours of approved surveying course work as defined by board regulation of which at least two semester hours shall be in the legal aspects of boundary surveying; or

(2) Has passed at least sixty hours of college credit which shall include credit for at least twenty semester hours of approved surveying course work as defined by board regulation of which at least two

semester hours shall be in legal aspects of boundary surveying and present evidence satisfactory to the board that in addition thereto such person has at least one year of combined professional office and field experience in land surveying projects under the immediate personal supervision of a professional land surveyor; or

(3) Has passed at least twelve semester hours of approved surveying course work as defined by board regulation of which at least two semester hours shall be in legal aspects of land surveying and in addition thereto has at least two years of combined professional office and field experience in land surveying projects under the immediate personal supervision of a professional land surveyor. Pursuant to this provision, not more than one year of satisfactory postsecondary education work shall count as equivalent years of satisfactory land surveying work as aforementioned.

2. The board shall issue a certificate of completion to each applicant who satisfies the requirements of the aforementioned land surveyor-in-training program and passes such examination or examinations as shall be required by the board.

327.381. BOARD MAY LICENSE ARCHITECT, PROFESSIONAL ENGINEER, PROFESSIONAL LAND SURVEYOR OR PROFESSIONAL LANDSCAPE ARCHITECT WITHOUT EXAMINATION, WHEN. — The board may license, in its discretion, any architect, professional engineer, professional land surveyor, or professional landscape architect licensed in another state or territory of the United States, province of Canada, or in another country, when such applicant has qualifications which are at least equivalent to the requirements for licensure as an architect, professional engineer, professional land surveyor, or professional landscape architect in this state, and provided further that the board may establish by rule the conditions under which it shall require any such applicant to take any examination it considers necessary, ~~and provided further that the board is satisfied by proof adduced by such applicant that the applicant is of good moral character,~~ and provided further that any such application is accompanied by the required fee.

327.441. DENIAL, REVOCATION, OR SUSPENSION OF LICENSE OR CERTIFICATE, GROUNDS FOR. — 1. The board may refuse to issue any license or certificate of authority required pursuant to this chapter for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant's right to file a complaint with the administrative hearing commission as provided by chapter 621.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any license or certificate of authority required by this chapter or any person who has failed to renew or has surrendered such person's license or certificate of authority, for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by this chapter;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state ~~[or]~~, of the United States, **or of any country**, for any offense ~~[reasonably]~~ **directly** related to the ~~[qualifications, functions or]~~ duties ~~[of any profession licensed or regulated under this chapter, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude,]~~ **and responsibilities of the occupation, as set forth in section 324.012, regardless of** whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation or bribery in securing any license or certificate of authority issued pursuant to this chapter or in obtaining permission to take any examination given or required pursuant to this chapter;

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

- (4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;
- (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of any profession licensed or regulated by this chapter;
- (6) Violation of, or assisting or enabling any person to violate, any provision of this chapter, or of any lawful rule or regulation adopted pursuant to this chapter;
- (7) Impersonation of any person holding a license or certificate of authority, or allowing any person to use his or her license or certificate of authority, or diploma from any school;
- (8) Disciplinary action against the holder of a license or a certificate of authority, or other right to practice any profession regulated by this chapter granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;
- (9) A person is finally adjudged incapacitated or disabled by a court of competent jurisdiction;
- (10) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by this chapter who is not licensed and currently eligible to practice pursuant to this chapter;
- (11) Issuance of a professional license or a certificate of authority based upon a material mistake of fact;
- (12) Failure to display a valid license or certificate of authority if so required by this chapter or any rule promulgated pursuant to this chapter;
- (13) Violation of any professional trust or confidence;
- (14) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed.

3. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the board may, singly or in combination, censure or place the person named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or order a civil penalty under section 327.077, or revoke the license or certificate of authority of the person named in the complaint.

327.612. APPLICANTS FOR LICENSURE AS PROFESSIONAL LANDSCAPE ARCHITECT — QUALIFICATIONS. — Any person who ~~[is of good moral character,]~~ has attained the age of twenty-one years, and has a degree in landscape architecture from an accredited school of landscape architecture and has acquired at least three years satisfactory landscape architectural experience after acquiring such a degree may apply to the board for licensure as a professional landscape architect.

328.075. BARBER APPRENTICES, APPLICATION, FEE, REQUIREMENTS — RULEMAKING AUTHORITY. — 1. Any person desiring to practice as an apprentice for barbering in this state shall apply to the board, shall be registered as an apprentice with the board, and shall pay the appropriate fees prior to beginning their apprenticeship. Barber apprentices ~~[shall be of good moral character and]~~ shall be at least seventeen years of age.

2. Any person desiring to act as an apprentice supervisor for barbering in this state shall first possess a license to practice the occupation of barbering, apply to the board, pay the appropriate fees, complete an eight-hour apprentice supervision instruction course certified by the board, and be issued a license as a barber apprentice supervisor prior to supervising barber apprentices.

3. The board may promulgate rules establishing the criteria for the supervision and training of barber apprentices.

4. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are

nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

328.150. DENIAL, REVOCATION, OR SUSPENSION OF CERTIFICATE, GROUNDS FOR. — 1.

The board may refuse to issue any certificate of registration or authority, permit or license required pursuant to this chapter for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his right to file a complaint with the administrative hearing commission as provided by chapter 621.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered his certificate of registration or authority, permit or license for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by this chapter;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state ~~[or]~~ , of the United States, **or of any country**, for any offense ~~[reasonably]~~ **directly** related to the ~~[qualifications, functions or]~~ duties ~~[of any profession licensed or regulated under this chapter, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude,]~~ **and responsibilities of the occupation, as set forth in section 324.012, regardless of** whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of registration or authority, permit or license issued pursuant to this chapter or in obtaining permission to take any examination given or required pursuant to this chapter;

(4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of any profession licensed or regulated by this chapter;

(6) Violation of, or assisting or enabling any person to violate, any provision of this chapter, or of any lawful rule or regulation adopted pursuant to this chapter;

(7) Impersonation of any person holding a certificate of registration or authority, permit or license or allowing any person to use his or her certificate of registration or authority, permit, license or diploma from any school;

(8) Disciplinary action against the holder of a license or other right to practice any profession regulated by this chapter granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;

(9) A person is finally adjudged insane or incompetent by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by this chapter who is not registered and currently eligible to practice under this chapter;

(11) Issuance of a certificate of registration or authority, permit or license based upon a material mistake of fact;

(12) Failure to display a valid certificate or license if so required by this chapter or any rule promulgated hereunder;

(13) Violation of any professional trust or confidence;

(14) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

(15) Failure or refusal to properly guard against contagious, infectious or communicable diseases or the spread thereof.

3. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2, for disciplinary action are met, the board may, singly or in combination, censure or place the person named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke the license, certificate, or permit.

329.140. DENIAL, REVOCATION OR SUSPENSION OF LICENSE, GROUNDS FOR — DISCIPLINE. — 1. The board may refuse to issue any certificate of registration or authority, permit or license required pursuant to this chapter for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant's right to file a complaint with the administrative hearing commission as provided by chapter 621.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered the person's certificate of registration or authority, permit or license for any one or any combination of the following causes:

(1) Use or illegal possession of any controlled substance, as defined in chapter 195; use of an alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by this chapter;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state ~~[or]~~, of the United States, **or of any country**, for any offense ~~[reasonably]~~ **directly** related to the ~~[qualifications, functions or]~~ duties ~~[of any profession licensed or regulated under this chapter, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude,]~~ **and responsibilities of the occupation, as set forth in section 324.012, regardless of** whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of registration or authority, permit or license issued pursuant to this chapter or in obtaining permission to take any examination given or required pursuant to this chapter;

(4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

(5) Incompetence, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of any profession licensed or regulated by this chapter;

(6) Violation of, or assisting or enabling any person to violate, any provision of this chapter, or of any lawful rule or regulation adopted pursuant to this chapter;

(7) Impersonation of any person holding a certificate of registration or authority, permit or license or allowing any person to use his or her certificate of registration or authority, permit, license or diploma from any school;

(8) Disciplinary action against the holder of a license or other right to practice any profession regulated by this chapter granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;

(9) A person is finally adjudged insane or incompetent by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by this chapter who is not licensed and currently eligible to practice under this chapter;

(11) Issuance of a certificate of registration or authority, permit or license based upon a material mistake of fact;

(12) Failure to display a valid license if so required by this chapter or any rule promulgated hereunder;

(13) Violation of any professional trust or confidence;

(14) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;

(15) Failure or refusal to properly guard against contagious, infectious or communicable diseases or the spread thereof.

3. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2, for disciplinary action are met, the board may, singly or in combination, censure or place the person named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke the license, certificate, or permit.

4. The board, acting upon its own knowledge or written or verified complaint filed by any person, may discipline a person as provided in subsections 1 to 3 of this section or the board may bring an action to enjoin any person, firm or corporation from engaging in an occupation regulated by the provisions of this chapter, if such person, firm or corporation without being licensed to do so by the board, engages in or practices an occupation licensed pursuant to this chapter. The action shall be brought in the county in which such person resides, or, in the case of a firm or corporation, where the firm or corporation maintains its principal office; and, unless it appears that such person, firm or corporation so engaging or practicing such occupation is licensed, the injunction shall be issued, and such person, firm or corporation shall be perpetually enjoined from engaging in such activities throughout the state.

331.030. APPLICATION FOR LICENSE, REQUIREMENTS, FEES — RECIPROCITY — RULEMAKING, PROCEDURE. — 1. No person shall engage in the practice of chiropractic without having first secured a chiropractic license as provided in this chapter.

2. Any person desiring to procure a license authorizing the person to practice chiropractic in this state shall make application on the form prescribed by the board. The application shall contain a statement that it is made under oath or affirmation and that representations contained thereon are true and correct to the best knowledge and belief of the person signing the application, subject to the penalties of making a false affidavit or declaration, and shall give the applicant's name, address, age, sex, name of chiropractic schools or colleges which the person attended or of which the person is a graduate, and such other reasonable information as the board may require. The applicant shall give evidence satisfactory to the board of the successful completion of the educational requirements of this chapter, ~~[that the applicant is of good moral character,]~~ and that the chiropractic school or college of which the applicant is a graduate is teaching chiropractic in accordance with the requirements of this chapter. The board may make a final determination as to whether or not the school from which the applicant graduated is so teaching.

3. Before an applicant shall be eligible for licensure, the applicant shall furnish evidence satisfactory to the board that the applicant has received the minimum number of semester credit hours, as required by the Council on Chiropractic Education, or its successor, prior to beginning the doctoral course of study in chiropractic. The minimum number of semester credit hours applicable at the time of enrollment in a doctoral course of study must be in those subjects, hours and course content as may be provided for by the Council on Chiropractic Education or, in the absence of the Council on Chiropractic Education or its provision for such subjects, such hours and course content as adopted by rule of the board; however in no event shall fewer than ninety semester credit hours be accepted as the minimum number of hours required prior to beginning the doctoral course of study in chiropractic. The

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examination applicant shall also provide evidence satisfactory to the board of having graduated from a chiropractic college having status with the Commission on Accreditation of the Council on Chiropractic Education or its successor. Any senior student in a chiropractic college having status with the Commission on Accreditation on the Council on Chiropractic Education or its successor may take a practical examination administered or approved by the board under such requirements and conditions as are adopted by the board by rule, but no license shall be issued until all of the requirements for licensure have been met.

4. Each applicant shall pay upon application an application or examination fee. All moneys collected pursuant to the provisions of this chapter shall be nonrefundable and shall be collected by the director of the division of professional registration who shall transmit it to the department of revenue for deposit in the state treasury to the credit of the chiropractic board fund. Any person failing to pass a practical examination administered or approved by the board may be reexamined upon fulfilling such requirements, including the payment of a reexamination fee, as the board may by rule prescribe.

5. Every applicant for licensure by examination shall have taken and successfully passed all required and optional parts of the written examination given by the National Board of Chiropractic Examiners, including the written clinical competency examination, under such conditions as established by rule of the board, and all applicants for licensure by examination shall successfully pass a practical examination administered or approved by the board and a written examination testing the applicant's knowledge and understanding of the laws and regulations regarding the practice of chiropractic in this state. The board shall issue to each applicant who meets the standards and successful completion of the examinations, as established by rule of the board, a license to practice chiropractic. The board shall not recognize any correspondence work in any chiropractic school or college as credit for meeting the requirements of this chapter.

6. The board shall issue a license without examination to persons who have been regularly licensed to practice chiropractic in any foreign country, provided that the regulations for securing a license in the other country are equivalent to those required for licensure in the state of Missouri, when the applicant furnishes satisfactory evidence that the applicant has continuously practiced chiropractic for at least one year immediately preceding the applicant's application to the board ~~and that the applicant is of good moral character~~, and upon the payment of the reciprocity license fee as established by rule of the board. The board may require an applicant to successfully complete the Special Purposes Examination for Chiropractic (SPEC) administered by the National Board of Chiropractic Examiners if the requirements for securing a license in the other country are not equivalent to those required for licensure in the state of Missouri at the time application is made for licensure under this subsection.

7. Any applicant who has failed any portion of the practical examination administered or approved by the board three times shall be required to return to an accredited chiropractic college for a semester of additional study in the subjects failed, as provided by rule of the board.

8. A chiropractic physician currently licensed in Missouri shall apply to the board for certification prior to engaging in the practice of meridian therapy/acupressure/acupuncture. Each such application shall be accompanied by the required fee. The board shall establish by rule the minimum requirements for the specialty certification under this subsection. "Meridian therapy/acupressure/acupuncture" shall mean methods of diagnosing and the treatment of a patient by stimulating specific points on or within the body by various methods including but not limited to manipulation, heat, cold, pressure, vibration, ultrasound, light, electrocurrent, and short-needle insertion for the purpose of obtaining a biopositive reflex response by nerve stimulation.

9. The board may through its rulemaking process authorize chiropractic physicians holding a current Missouri license to apply for certification in a specialty as the board may deem appropriate and charge a fee for application for certification, provided that:

(1) The board establishes minimum initial and continuing educational requirements sufficient to ensure the competence of applicants seeking certification in the particular specialty; and

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(2) The board shall not establish any provision for certification of licensees in a particular specialty which is not encompassed within the practice of chiropractic as defined in section 331.010.

331.060. DENIAL, REVOCATION OR SUSPENSION OF CERTIFICATE, GROUNDS FOR — TIME PENALTIES. — 1. The board may refuse to issue any certificate of registration or authority, permit or license required pursuant to this chapter for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his right to file a complaint with the administrative hearing commission as provided by chapter 621.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered his certificate of registration or authority, permit or license for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by this chapter;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state ~~[or]~~, of the United States, **or of any country**, for any offense ~~[reasonably]~~ **directly** related to the ~~[qualifications, functions or]~~ duties ~~[of any profession licensed or regulated under this chapter, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude,]~~ **and responsibilities of the occupation, as set forth in section 324.012, regardless of** whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of registration or authority, permit or license issued pursuant to this chapter or in obtaining permission to take any examination given or required pursuant to this chapter;

(4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of any profession licensed or regulated by this chapter;

(6) Violation of, or assisting or enabling any person to violate, any provision of this chapter, or of any lawful rule or regulation adopted pursuant to this chapter;

(7) Impersonation of any person holding a certificate of registration or authority, permit or license or allowing any person to use his or her certificate of registration or authority, permit, license or diploma from school;

(8) Disciplinary action against the holder of a license or other right to practice any profession regulated by this chapter granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;

(9) A person is finally adjudged insane or incompetent by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by this chapter who is not registered and currently eligible to practice under this chapter;

(11) Issuance of a certificate of registration or authority, permit or license based upon a material mistake of fact;

(12) Failure to display a valid certificate or license if so required by this chapter or any rule promulgated hereunder;

(13) Violation of any professional trust or confidence;

(14) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed. False, misleading or deceptive advertisements or solicitations shall include, but not be limited to:

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(a) Promises of cure, relief from pain or other physical or mental condition, or improved physical or mental health;

(b) Any self-laudatory statement;

(c) Any misleading or deceptive statement offering or promising a free service. Nothing herein shall be construed to make it unlawful to offer a service for no charge if the offer is announced as part of a full disclosure of routine fees including consultation fees;

(d) Any misleading or deceptive claims of patient cure, relief or improved condition; superiority in service, treatment or materials; new or improved service, treatment or material, or reduced costs or greater savings. Nothing herein shall be construed to make it unlawful to use any such claim if it is readily verifiable by existing documentation, data or other substantial evidence. Any claim which exceeds or exaggerates the scope of its supporting documentation, data or evidence is misleading or deceptive;

(e) Failure to use the term "chiropractor", "doctor of chiropractic", "chiropractic physician", or "D.C." in any advertisement, solicitation, sign, letterhead, or any other method of addressing the public;

(f) Attempting to attract patronage in any manner which castigates, impugns, disparages, discredits or attacks other healing arts and sciences or other chiropractic physicians;

(15) Violation of the drug laws or rules and regulations of this state, any other state or the federal government;

(16) Failure or refusal to properly guard against contagious, infectious or communicable diseases or the spread thereof;

(17) Fails to maintain a chiropractic office in a safe and sanitary condition;

(18) Engaging in unprofessional or improper conduct in the practice of chiropractic;

(19) Administering or prescribing any drug or medicine or attempting to practice medicine, surgery, or osteopathy within the meaning of chapter 334;

(20) Being unable to practice as a chiropractic physician with reasonable skill and safety to patients because of one of the following: professional incompetency; illness, drunkenness, or excessive use of drugs, narcotics, or chemicals; any mental or physical condition. In enforcing this subdivision the board shall, after a hearing before the board, upon a finding of probable cause, require the chiropractor for the purpose of establishing his competency to practice as a chiropractic physician to submit to a reexamination, which shall be conducted in accordance with rules adopted for this purpose by the board, including rules to allow the examination of the chiropractic physician's professional competence by at least three chiropractic physicians, or to submit to a mental or physical examination or combination thereof by at least three physicians. One examiner shall be selected by the chiropractic physician compelled to take the examination, one selected by the board, and one shall be selected by the two examiners so selected. Notice of the physical or mental examination shall be given by personal service or certified mail. Failure of the chiropractic physician to submit to an examination when directed shall constitute an admission of the allegations against him, unless the failure was due to circumstances beyond his control. A chiropractic physician whose right to practice has been affected under this subdivision shall, at reasonable intervals, be afforded an opportunity to demonstrate that he can resume competent practice with reasonable skill and safety to patients.

(a) In any proceeding under this subdivision, neither the record of proceedings nor the orders entered by the board shall be used against a chiropractic physician in any other proceeding. Proceedings under this subdivision shall be conducted by the board without the filing of a complaint with the administrative hearing commission;

(b) When the board finds any person unqualified because of any of the grounds set forth in this subdivision, it may enter an order imposing one or more of the following: denying his application for a license; permanently withholding issuance of a license; administering a public or private reprimand; suspending or limiting or restricting his license to practice as a chiropractic physician for a period of not more than five years; revoking his license to practice as a chiropractic physician; requiring him to submit

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to the care, counseling or treatment of physicians designated by the chiropractic physician compelled to be treated. For the purpose of this subdivision, "license" includes the certificate of registration, or license, or both, issued by the board.

3. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the board may, singly or in combination:

(1) Censure or place the person named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed five years; or

(2) May suspend the license, certificate or permit for a period not to exceed three years; or

(3) Revoke the license, certificate or permit.

4. If at any time after disciplinary sanctions have been imposed under this section or under any provision of this chapter, the licensee removes himself from the state of Missouri, ceases to be currently licensed under the provisions of this chapter, or fails to keep the Missouri state board of chiropractic examiners advised of his current place of business and residence, the time of his absence, or unlicensed status, or unknown whereabouts shall not be deemed or taken as any part of the time of discipline so imposed.

332.231. APPLICANT AS DENTAL HYGIENIST, QUALIFICATIONS. — Any person ~~[who is of good moral character and reputation and]~~ who has satisfactorily completed a course in dental hygiene in an accredited dental hygiene school may apply to the board for examination and registration as a dental hygienist in Missouri.

332.251. DENTAL HYGIENIST APPLICANT, EXAMINATION, HOW CONDUCTED — FAILURE, REEXAMINATION, ADDITIONAL EDUCATION, WHEN. — 1. Each applicant for examination as a dental hygienist shall ~~], after the board has determined that he is a person of good moral character and reputation,]~~ appear before the board at the time and place specified by the board in a written notice to each such applicant. The fee accompanying the application as provided in section 332.241 shall not be refunded to any applicant who fails to appear at the time and place so specified, but the board for good cause shown, as defined by rule, may permit any applicant to take the examination or examinations at a later time without paying an additional fee.

2. The board shall determine and specify by rule whether dental hygienist examinations shall be written or oral or clinical or all three, but in any event the examination shall be of such form and of such content and character as to thoroughly test the qualifications of the applicant to practice as a dental hygienist in Missouri. Completion of the national board theoretical examination with scores acceptable to the board, as promulgated by rule, is a prerequisite to taking the dental hygienist examinations.

3. Any applicant who passes the dental hygienist examination or examinations with the average grade specified in a rule promulgated by the board shall be entitled to registration as a dental hygienist in Missouri, and shall receive a certificate of registration. Irrespective of the fact that an applicant may have made passing grades on his examinations, he shall not be entitled to a certificate of registration as a dental hygienist if the board finds that at any time prior to the issuance of the certificate the applicant has cheated on his examination or examinations, or has made false or misleading statements in any application filed for such examination with intent to deceive the board ~~], or that he is not a person of good moral character and reputation].~~

4. The board shall determine and specify by rule the number of times an applicant may fail all or a portion of the dental hygiene examinations without completing additional education in an accredited dental hygiene school, and shall specify by rule the type and amount of additional education which shall be required of an applicant, which type and amount may vary depending upon the failed portions of the dental hygiene examinations. However, no applicant shall be refused permission to take the dental

hygiene examinations twice without completing additional education, nor shall additional education be required if the applicant only fails an examination over Missouri laws.

332.281. DENTAL HYGIENIST, LICENSE WITHOUT EXAMINATION, WHEN — FEE. — The board shall grant without examination a certificate of registration and license to a dental hygienist who has been licensed in another state for at least two consecutive years immediately preceding his application to practice in Missouri if the board is satisfied by proof adduced by the applicant that his qualifications are at least equivalent to the requirements for initial registration as a dental hygienist in Missouri under the provisions of this chapter ~~[and that he is of good moral character and reputation]~~; provided that the board may by rule require an applicant under this section to take any examination over Missouri laws given to dental hygienist initially seeking licensure under section 332.251 and to take a practical examination if his licensure in any state was ever denied, revoked or suspended for incompetency or inability to practice in a safe manner, or if he has failed any practical examination given as a prerequisite to licensure as a dental hygienist in any state. Any such dental hygienist applying to be so registered and licensed shall accompany his application with a fee not greater than the dental hygienist examination and license fees and if registered and licensed shall renew his license as provided in section 332.261.

332.291. DENTAL HYGIENIST, CERTIFICATE OF PRACTICE, WHO ELIGIBLE, FEE. — Any person registered and currently licensed as a dental hygienist~~[who is of good moral character]~~ who has been practicing as a dental hygienist in Missouri immediately preceding the date of his application under the continuous supervision of a registered and currently licensed dentist in Missouri, may apply to the board for a certificate to be signed and attested by a designee of the board and bearing the board's seal, certifying that the holder is a person of good moral character, that he was registered and licensed in Missouri as a dental hygienist on the _____ day of _____, 20_____, and has been practicing as a dental hygienist continuously under the supervision of a duly registered and currently licensed dentist in Missouri for _____ year(s) immediately preceding the date of the certificate, and that he has represented to the board that he intends to apply to practice as a dental hygienist in the state of _____; provided that the required fee shall accompany each application.

333.041. QUALIFICATIONS OF APPLICANTS — EXAMINATIONS — LICENSES — BOARD MAY WAIVE REQUIREMENTS IN CERTAIN CASES. — 1. Each applicant for a license to practice funeral directing shall furnish evidence to establish to the satisfaction of the board that he or she is:

~~(4)~~ at least eighteen years of age, and possesses a high school diploma, a general equivalency diploma, or equivalent thereof, as determined, at its discretion, by the board~~]; and~~

~~(2) A person of good moral character].~~

2. Every person desiring to enter the profession of embalming dead human bodies within the state of Missouri and who is enrolled in a program accredited by the American Board of Funeral Service Education, any successor organization, or other accrediting entity as approved by the board shall register with the board as a practicum student upon the form provided by the board. After such registration, a student may assist, under the direct supervision of Missouri licensed embalmers and funeral directors, in Missouri licensed funeral establishments, while serving his or her practicum. The form for registration as a practicum student shall be accompanied by a fee in an amount established by the board.

3. Each applicant for a license to practice embalming shall furnish evidence to establish to the satisfaction of the board that he or she:

(1) Is at least eighteen years of age, and possesses a high school diploma, a general equivalency diploma, or equivalent thereof, as determined, at its discretion, by the board;

(2) ~~[Is a person of good moral character;~~

~~(3)~~ Has completed a funeral service education program accredited by the American Board of Funeral Service Education, any successor organization, or other accrediting entity as approved by the board. If an applicant does not complete all requirements for licensure within five years from the date of his or her completion of an accredited program, his or her registration as an apprentice embalmer shall be automatically cancelled. The applicant shall be required to file a new application and pay applicable fees. No previous apprenticeship shall be considered for the new application;

~~[(4)]~~ (3) Upon due examination administered by the board, is possessed of a knowledge of the subjects of embalming, anatomy, pathology, bacteriology, mortuary administration, chemistry, restorative art, together with statutes, rules and regulations governing the care, custody, shelter and disposition of dead human bodies and the transportation thereof or has passed the national board examination of the Conference of Funeral Service Examining Boards. If any applicant fails to pass the state examination, he or she may retake the examination at the next regular examination meeting. The applicant shall notify the board office of his or her desire to retake the examination at least thirty days prior to the date of the examination. Each time the examination is retaken, the applicant shall pay a new examination fee in an amount established by the board;

~~[(5)]~~ (4) Has been employed full time in funeral service in a licensed funeral establishment and has personally embalmed at least twenty-five dead human bodies under the personal supervision of an embalmer who holds a current and valid Missouri embalmer's license during an apprenticeship of not less than twelve consecutive months. "Personal supervision" means that the licensed embalmer shall be physically present during the entire embalming process in the first six months of the apprenticeship period and physically present at the beginning of the embalming process and available for consultation and personal inspection within a period of not more than one hour in the remaining six months of the apprenticeship period. All transcripts and other records filed with the board shall become a part of the board files.

4. If the applicant does not complete the application process within the five years after his or her completion of an approved program, then he or she must file a new application and no fees paid previously shall apply toward the license fee.

5. Examinations required by this section and section 333.042 shall be held at least twice a year at times and places fixed by the board. The board shall by rule and regulation prescribe the standard for successful completion of the examinations.

6. Upon establishment of his or her qualifications as specified by this section or section 333.042, the board shall issue to the applicant a license to practice funeral directing or embalming, as the case may require, and shall register the applicant as a duly licensed funeral director or a duly licensed embalmer. Any person having the qualifications required by this section and section 333.042 may be granted both a license to practice funeral directing and to practice embalming.

7. The board shall, upon request, waive any requirement of this chapter and issue a temporary funeral director's license, valid for six months, to the surviving spouse or next of kin or the personal representative of a licensed funeral director, or to the spouse, next of kin, employee or conservator of a licensed funeral director disabled because of sickness, mental incapacity or injury.

334.414. CERTIFICATE OF REGISTRATION ISSUED, WHEN — RULES PROMULGATED BY BOARD — AUTHORITY OF BOARD — COMPLAINT PROCEDURE — PENALTY. — 1. The board shall issue a certificate of registration to any applicant that meets the qualifications for an anesthesiologist assistant and that has paid the required fees.

2. The board shall promulgate rules and regulations pertaining to:

(1) Establishing application forms to be furnished to all persons seeking registration pursuant to sections 334.400 to 334.430;

(2) Accepting certification by the National Commission on Certification of Anesthesiologist Assistants or its successor in lieu of examinations for applicants for registration pursuant to sections 334.400 to 334.430;

(3) Determining the form and design of the registration to be issued pursuant to sections 334.400 to 334.430;

(4) Setting the amount of the fees for registration, licensure, and renewal pursuant to sections 334.400 to 334.430. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering the provisions of sections 334.400 to 334.430;

(5) Keeping a record of all of its proceedings regarding sections 334.400 to 334.430 and of all anesthesiologist assistants registered in this state.

No rule or portion of a rule promulgated pursuant to the authority of sections 334.400 to 334.430 shall become effective unless it has been promulgated pursuant to chapter 536.

3. The board shall have the authority to:

(1) Issue subpoenas to compel witnesses to testify or produce evidence in proceedings to deny, suspend, or revoke registration; and

(2) Establish guidelines for anesthesiologist assistants pursuant to sections 334.400 to 334.430.

4. The board may refuse to issue, suspend, revoke, or renew any certificate of registration or authority, permit, or license required pursuant to sections 334.400 to 334.430 for one or any combination of causes stated in subsection 5 of this section. The board shall notify the applicant in writing of the reasons for the refusal, suspension, or revocation and shall advise the applicant of the right to file a complaint with the administrative hearing commission as provided by chapter 621.

5. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate of registration or authority, permit, or license required pursuant to sections 334.400 to 334.430 or against any person who has failed to renew or has surrendered a certificate of registration or authority, permit, or license for any one or any combination of the following causes:

(1) Use or unlawful possession of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of an anesthesiologist assistant;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state ~~[or]~~, of the United States, **or of any country**, for any offense ~~[reasonably]~~ **directly** related to the ~~[qualifications, functions, or]~~ duties ~~[of an anesthesiologist assistant, for any offense for which an essential element is fraud, dishonesty, or an act of violence, or for any offense involving moral turpitude,]~~ **and responsibilities of the occupation, as set forth in section 324.012, regardless of whether or not sentence is imposed;**

(3) Use of fraud, deception, misrepresentation, or bribery in securing any certificate of registration or authority, permit or license issued pursuant to sections 334.400 to 334.430 or in obtaining permission to take any examination given or required pursuant to sections 334.400 to 334.430;

(4) Obtaining or attempting to obtain any fee, charge, tuition, or other compensation by fraud, deception, or misrepresentation;

(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation, or dishonesty in the performance of the functions and duties of an anesthesiologist assistant;

(6) Violation of, or assisting or enabling any person to violate any provision of sections 334.400 to 334.430 or any lawful rule or regulation adopted pursuant to sections 334.400 to 334.430;

(7) Impersonation of any person holding a certificate of registration or authority, permit, or license, or allowing any person to use a certificate of registration or authority, permit, license or diploma from any school;

(8) Disciplinary action against the holder of a license or other right relating to the practice of an anesthesiologist assistant granted by another state, territory, federal agency, or country upon grounds for which revocation or suspension is authorized in this state;

(9) Final adjudication of insanity or incompetency by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice as an anesthesiologist assistant who is not registered and currently eligible to practice pursuant to sections 334.400 to 334.430;

(11) Issuance of a certificate of registration or authority, permit, or license based upon a material mistake of fact;

(12) Violation of any professional trust or confidence;

(13) Violation of the ethical standards for an anesthesiologist assistant as defined by board rule; or

(14) Violation of chapter 195 or rules and regulations of this state, any other state, or the federal government.

6. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 5 of this section, for disciplinary action are met, the board may, singly or in combination, censure or place the person named in the complaint on probation with such terms and conditions as the board deems appropriate for a period not to exceed ten years, or suspend his or her license for a period not to exceed seven years, or revoke his or her license, certificate, or permit.

7. An individual whose license has been revoked shall wait at least one year from the date of revocation to apply for relicensure and shall not be eligible for a temporary license. Relicensure shall be at the discretion of the board after compliance with all requirements of sections 334.400 to 334.430.

8. Any person who violates any of the provisions of sections 334.400 to 334.430 is guilty of class A misdemeanor.

334.530. QUALIFICATIONS FOR LICENSE — EXAMINATIONS, SCOPE. — 1. A candidate for license to practice as a physical therapist shall furnish evidence of such person's ~~[good moral character and the person's]~~ educational qualifications by submitting satisfactory evidence of completion of a program of physical therapy education approved as reputable by the board. A candidate who presents satisfactory evidence of the person's graduation from a school of physical therapy approved as reputable by the American Medical Association or, if graduated before 1936, by the American Physical Therapy Association, or if graduated after 1988, the Commission on Accreditation for Physical Therapy Education or its successor, is deemed to have complied with the educational qualifications of this subsection.

2. Persons desiring to practice as physical therapists in this state shall appear before the board at such time and place as the board may direct and be examined as to their fitness to engage in such practice. Applications for examination shall be in writing, on a form furnished by the board and shall include evidence satisfactory to the board that the applicant possesses the qualifications set forth in subsection 1 of this section. Each application shall contain a statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the applicant, subject to the penalties of making a false affidavit or declaration.

3. The examination of qualified candidates for licenses to practice physical therapy shall test entry-level competence as related to physical therapy theory, examination and evaluation, physical therapy diagnosis, prognosis, treatment, intervention, prevention, and consultation.

4. The examination shall embrace, in relation to the human being, the subjects of anatomy, chemistry, kinesiology, pathology, physics, physiology, psychology, physical therapy theory and procedures as related to medicine, surgery and psychiatry, and such other subjects, including medical ethics, as the board deems useful to test the fitness of the candidate to practice physical therapy.

5. The applicant shall pass a test administered by the board on the laws and rules related to the practice of physical therapy in Missouri.

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334.613. REFUSAL TO ISSUE OR RENEW A LICENSE, PROCEDURE — COMPLAINT MAY BE FILED, WHEN, REQUIREMENTS FOR PROCEEDINGS ON — DISCIPLINARY ACTION AUTHORIZED.

— 1. The board may refuse to issue or renew a license to practice as a physical therapist or physical therapist assistant for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant's right to file a complaint with the administrative hearing commission as provided by chapter 621. As an alternative to a refusal to issue or renew a license to practice as a physical therapist or physical therapist assistant, the board may, at its discretion, issue a license which is subject to probation, restriction, or limitation to an applicant for licensure for any one or any combination of causes stated in subsection 2 of this section. The board's order of probation, limitation, or restriction shall contain a statement of the discipline imposed, the basis therefor, the date such action shall become effective, and a statement that the applicant has thirty days to request in writing a hearing before the administrative hearing commission. If the board issues a probationary, limited, or restricted license to an applicant for licensure, either party may file a written petition with the administrative hearing commission within thirty days of the effective date of the probationary, limited, or restricted license seeking review of the board's determination. If no written request for a hearing is received by the administrative hearing commission within the thirty-day period, the right to seek review of the board's decision shall be considered as waived.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of a license to practice as a physical therapist or physical therapist assistant who has failed to renew or has surrendered his or her license for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of a physical therapist or physical therapist assistant;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state ~~[or]~~, of the United States, **or of any country**, for any offense ~~[reasonably]~~ **directly** related to the ~~[qualifications, functions, or]~~ duties ~~[of a physical therapist or physical therapist assistant, for any offense an essential element of which is fraud, dishonesty, or an act of violence, or for any offense involving moral turpitude,]~~ **and responsibilities of the occupation, as set forth in section 324.012, regardless of** whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation, or bribery in securing any certificate of registration or authority, permit, or license issued under this chapter or in obtaining permission to take any examination given or required under this chapter;

(4) Misconduct, fraud, misrepresentation, dishonesty, unethical conduct, or unprofessional conduct in the performance of the functions or duties of a physical therapist or physical therapist assistant, including but not limited to the following:

(a) Obtaining or attempting to obtain any fee, charge, tuition, or other compensation by fraud, deception, or misrepresentation; willfully and continually overcharging or overtreating patients; or charging for sessions of physical therapy which did not occur unless the services were contracted for in advance, or for services which were not rendered or documented in the patient's records;

(b) Attempting, directly or indirectly, by way of intimidation, coercion, or deception, to obtain or retain a patient or discourage the use of a second opinion or consultation;

(c) Willfully and continually performing inappropriate or unnecessary treatment or services;

(d) Delegating professional responsibilities to a person who is not qualified by training, skill, competency, age, experience, or licensure to perform such responsibilities;

(e) Misrepresenting that any disease, ailment, or infirmity can be cured by a method, procedure, treatment, medicine, or device;

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- (f) Performing services which have been declared by board rule to be of no physical therapy value;
- (g) Final disciplinary action by any professional association, professional society, licensed hospital or medical staff of the hospital, or physical therapy facility in this or any other state or territory, whether agreed to voluntarily or not, and including but not limited to any removal, suspension, limitation, or restriction of the person's professional employment, malpractice, or any other violation of any provision of this chapter;
- (h) Administering treatment without sufficient examination, or for other than medically accepted therapeutic or experimental or investigative purposes duly authorized by a state or federal agency, or not in the course of professional physical therapy practice;
- (i) Engaging in or soliciting sexual relationships, whether consensual or nonconsensual, while a physical therapist or physical therapist assistant/patient relationship exists; making sexual advances, requesting sexual favors, or engaging in other verbal conduct or physical contact of a sexual nature with patients or clients;
- (j) Terminating the care of a patient without adequate notice or without making other arrangements for the continued care of the patient;
- (k) Failing to furnish details of a patient's physical therapy records to treating physicians, other physical therapists, or hospitals upon proper request; or failing to comply with any other law relating to physical therapy records;
- (l) Failure of any applicant or licensee, other than the licensee subject to the investigation, to cooperate with the board during any investigation;
- (m) Failure to comply with any subpoena or subpoena duces tecum from the board or an order of the board;
- (n) Failure to timely pay license renewal fees specified in this chapter;
- (o) Violating a probation agreement with this board or any other licensing agency;
- (p) Failing to inform the board of the physical therapist's or physical therapist assistant's current telephone number, residence, and business address;
- (q) Advertising by an applicant or licensee which is false or misleading, or which violates any rule of the board, or which claims without substantiation the positive cure of any disease, or professional superiority to or greater skill than that possessed by any other physical therapist or physical therapist assistant. An applicant or licensee shall also be in violation of this provision if the applicant or licensee has a financial interest in any organization, corporation, or association which issues or conducts such advertising;
- (5) Any conduct or practice which is or might be harmful or dangerous to the mental or physical health of a patient or the public; or incompetency, gross negligence, or repeated negligence in the performance of the functions or duties of a physical therapist or physical therapist assistant. For the purposes of this subdivision, "repeated negligence" means the failure, on more than one occasion, to use that degree of skill and learning ordinarily used under the same or similar circumstances by the member of the applicant's or licensee's profession;
- (6) Violation of, or attempting to violate, directly or indirectly, or assisting or enabling any person to violate, any provision of this chapter, or of any lawful rule adopted under this chapter;
- (7) Impersonation of any person licensed as a physical therapist or physical therapist assistant or allowing any person to use his or her license or diploma from any school;
- (8) Revocation, suspension, restriction, modification, limitation, reprimand, warning, censure, probation, or other final disciplinary action against a physical therapist or physical therapist assistant for a license or other right to practice as a physical therapist or physical therapist assistant by another state, territory, federal agency or country, whether or not voluntarily agreed to by the licensee or applicant, including but not limited to the denial of licensure, surrender of the license, allowing the license to expire or lapse, or discontinuing or limiting the practice of physical therapy while subject to an investigation or while actually under investigation by any licensing authority, medical facility, branch of the Armed

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Forces of the United States of America, insurance company, court, agency of the state or federal government, or employer;

(9) A person is finally adjudged incapacitated or disabled by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice who is not licensed and currently eligible to practice under this chapter; or knowingly performing any act which in any way aids, assists, procures, advises, or encourages any person to practice physical therapy who is not licensed and currently eligible to practice under this chapter;

(11) Issuance of a license to practice as a physical therapist or physical therapist assistant based upon a material mistake of fact;

(12) Failure to display a valid license pursuant to practice as a physical therapist or physical therapist assistant;

(13) Knowingly making, or causing to be made, or aiding, or abetting in the making of, a false statement in any document executed in connection with the practice of physical therapy;

(14) Soliciting patronage in person or by agents or representatives, or by any other means or manner, under the person's own name or under the name of another person or concern, actual or pretended, in such a manner as to confuse, deceive, or mislead the public as to the need or necessity for or appropriateness of physical therapy services for all patients, or the qualifications of an individual person or persons to render, or perform physical therapy services;

(15) Using, or permitting the use of, the person's name under the designation of "physical therapist", "physiotherapist", "registered physical therapist", "P.T.", "Ph.T.", "P.T.T.", "D.P.T.", "M.P.T." or "R.P.T.", "physical therapist assistant", "P.T.A.", "L.P.T.A.", "C.P.T.A.", or any similar designation with reference to the commercial exploitation of any goods, wares or merchandise;

(16) Knowingly making or causing to be made a false statement or misrepresentation of a material fact, with intent to defraud, for payment under chapter 208 or chapter 630 or for payment from Title XVIII or Title XIX of the Social Security Act;

(17) Failure or refusal to properly guard against contagious, infectious, or communicable diseases or the spread thereof; maintaining an unsanitary facility or performing professional services under unsanitary conditions; or failure to report the existence of an unsanitary condition in any physical therapy facility to the board, in writing, within thirty days after the discovery thereof;

(18) Any candidate for licensure or person licensed to practice as a physical therapist or physical therapist assistant paying or offering to pay a referral fee or, notwithstanding section 334.010 to the contrary, practicing or offering to practice professional physical therapy independent of the prescription and direction of a person licensed and registered as a physician and surgeon under this chapter, as a physician assistant under this chapter, as a chiropractor under chapter 331, as a dentist under chapter 332, as a podiatrist under chapter 330, as an advanced practice registered nurse under chapter 335, or any licensed and registered physician, chiropractor, dentist, podiatrist, or advanced practice registered nurse practicing in another jurisdiction, whose license is in good standing;

(19) Any candidate for licensure or person licensed to practice as a physical therapist or physical therapist assistant treating or attempting to treat ailments or other health conditions of human beings other than by professional physical therapy and as authorized by sections 334.500 to 334.685;

(20) A pattern of personal use or consumption of any controlled substance unless it is prescribed, dispensed, or administered by a physician who is authorized by law to do so;

(21) Failing to maintain adequate patient records under section 334.602;

(22) Attempting to engage in conduct that subverts or undermines the integrity of the licensing examination or the licensing examination process, including but not limited to utilizing in any manner recalled or memorized licensing examination questions from or with any person or entity, failing to comply with all test center security procedures, communicating or attempting to communicate with any other examinees during the test, or copying or sharing licensing examination questions or portions of questions;

(23) Any candidate for licensure or person licensed to practice as a physical therapist or physical therapist assistant who requests, receives, participates or engages directly or indirectly in the division, transferring, assigning, rebating or refunding of fees received for professional services or profits by means of a credit or other valuable consideration such as wages, an unearned commission, discount or gratuity with any person who referred a patient, or with any relative or business associate of the referring person;

(24) Being unable to practice as a physical therapist or physical therapist assistant with reasonable skill and safety to patients by reasons of incompetency, or because of illness, drunkenness, excessive use of drugs, narcotics, chemicals, or as a result of any mental or physical condition. The following shall apply to this subdivision:

(a) In enforcing this subdivision the board shall, after a hearing by the board, upon a finding of probable cause, require a physical therapist or physical therapist assistant to submit to a reexamination for the purpose of establishing his or her competency to practice as a physical therapist or physical therapist assistant conducted in accordance with rules adopted for this purpose by the board, including rules to allow the examination of the pattern and practice of such physical therapist's or physical therapist assistant's professional conduct, or to submit to a mental or physical examination or combination thereof by a facility or professional approved by the board;

(b) For the purpose of this subdivision, every physical therapist and physical therapist assistant licensed under this chapter is deemed to have consented to submit to a mental or physical examination when directed in writing by the board;

(c) In addition to ordering a physical or mental examination to determine competency, the board may, notwithstanding any other law limiting access to medical or other health data, obtain medical data and health records relating to a physical therapist, physical therapist assistant or applicant without the physical therapist's, physical therapist assistant's or applicant's consent;

(d) Written notice of the reexamination or the physical or mental examination shall be sent to the physical therapist or physical therapist assistant, by registered mail, addressed to the physical therapist or physical therapist assistant at the physical therapist's or physical therapist assistant's last known address. Failure of a physical therapist or physical therapist assistant to submit to the examination when directed shall constitute an admission of the allegations against the physical therapist or physical therapist assistant, in which case the board may enter a final order without the presentation of evidence, unless the failure was due to circumstances beyond the physical therapist's or physical therapist assistant's control. A physical therapist or physical therapist assistant whose right to practice has been affected under this subdivision shall, at reasonable intervals, be afforded an opportunity to demonstrate that the physical therapist or physical therapist assistant can resume the competent practice as a physical therapist or physical therapist assistant with reasonable skill and safety to patients;

(e) In any proceeding under this subdivision neither the record of proceedings nor the orders entered by the board shall be used against a physical therapist or physical therapist assistant in any other proceeding. Proceedings under this subdivision shall be conducted by the board without the filing of a complaint with the administrative hearing commission;

(f) When the board finds any person unqualified because of any of the grounds set forth in this subdivision, it may enter an order imposing one or more of the disciplinary measures set forth in subsection 3 of this section.

3. After the filing of such complaint before the administrative hearing commission, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds provided in subsection 2 of this section for disciplinary action are met, the board may, singly or in combination:

(1) Warn, censure or place the physical therapist or physical therapist assistant named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed ten years;

(2) Suspend the physical therapist's or physical therapist assistant's license for a period not to exceed three years;

(3) Restrict or limit the physical therapist's or physical therapist assistant's license for an indefinite period of time;

(4) Revoke the physical therapist's or physical therapist assistant's license;

(5) Administer a public or private reprimand;

(6) Deny the physical therapist's or physical therapist assistant's application for a license;

(7) Permanently withhold issuance of a license;

(8) Require the physical therapist or physical therapist assistant to submit to the care, counseling or treatment of physicians designated by the board at the expense of the physical therapist or physical therapist assistant to be examined;

(9) Require the physical therapist or physical therapist assistant to attend such continuing educational courses and pass such examinations as the board may direct.

4. In any order of revocation, the board may provide that the physical therapist or physical therapist assistant shall not apply for reinstatement of the physical therapist's or physical therapist assistant's license for a period of time ranging from two to seven years following the date of the order of revocation. All stay orders shall toll this time period.

5. Before restoring to good standing a license issued under this chapter which has been in a revoked, suspended, or inactive state for any cause for more than two years, the board may require the applicant to attend such continuing medical education courses and pass such examinations as the board may direct.

6. In any investigation, hearing or other proceeding to determine a physical therapist's, physical therapist assistant's or applicant's fitness to practice, any record relating to any patient of the physical therapist, physical therapist assistant, or applicant shall be discoverable by the board and admissible into evidence, regardless of any statutory or common law privilege which such physical therapist, physical therapist assistant, applicant, record custodian, or patient might otherwise invoke. In addition, no such physical therapist, physical therapist assistant, applicant, or record custodian may withhold records or testimony bearing upon a physical therapist's, physical therapist assistant's, or applicant's fitness to practice on the grounds of privilege between such physical therapist, physical therapist assistant, applicant, or record custodian and a patient.

334.616. AUTOMATIC REVOCATION OF LICENSURE, WHEN. — 1. A license issued under ~~this chapter~~ **sections 334.500 to 334.687** by the Missouri state board of registration for the healing arts shall be automatically revoked at such time as the final trial proceedings are concluded whereby a licensee has been adjudicated and found guilty, or has entered a plea of guilty or nolo contendere, in a ~~[felony]~~ criminal prosecution under the laws of ~~[the state of Missouri, the laws of any other]~~ **any state, [or] the laws of the United States [of America], or of any country,** for any offense ~~[reasonably]~~ **directly** related to the ~~[qualifications, functions or] duties [of their profession, or for any felony offense, an essential element of which is fraud, dishonesty or an act of violence, or for any felony offense involving moral turpitude,]~~ **and responsibilities of the occupation, as set forth in section 324.012, regardless of** whether or not sentence is imposed, or, upon the final and unconditional revocation of the license to practice their profession in another state or territory upon grounds for which revocation is authorized in this state following a review of the record of the proceedings and upon a formal motion of the state board of registration for the healing arts. The license of any such licensee shall be automatically reinstated if the conviction or the revocation is ultimately set aside upon final appeal in any court of competent jurisdiction.

2. Anyone who has been denied a license, permit, or certificate to practice in another state shall automatically be denied a license to practice in this state. However, the board of healing arts may set

up other qualifications by which such person may ultimately be qualified and licensed to practice in Missouri.

334.655. PHYSICAL THERAPIST ASSISTANT, EDUCATIONAL REQUIREMENTS — BOARD EXAMINATION, APPLICATIONS — WRITTEN EXAMINATION — EXAMINATION TOPICS — EXAMINATION NOT REQUIRED, WHEN. — 1. A candidate for licensure to practice as a physical therapist assistant shall furnish evidence of the person's ~~[good moral character and of the person's]~~ educational qualifications. The educational requirements for licensure as a physical therapist assistant are:

- (1) A certificate of graduation from an accredited high school or its equivalent; and
 - (2) Satisfactory evidence of completion of an associate degree program of physical therapy education accredited by the commission on accreditation of physical therapy education.
2. Persons desiring to practice as a physical therapist assistant in this state shall appear before the board at such time and place as the board may direct and be examined as to the person's fitness to engage in such practice. Applications for examination shall be on a form furnished by the board and shall include evidence satisfactory to the board that the applicant possesses the qualifications provided in subsection 1 of this section. Each application shall contain a statement that the statement is made under oath of affirmation and that its representations are true and correct to the best knowledge and belief of the person signing the statement, subject to the penalties of making a false affidavit or declaration.
3. The examination of qualified candidates for licensure to practice as physical therapist assistants shall embrace an examination which shall cover the curriculum taught in accredited associate degree programs of physical therapy assistant education. Such examination shall be sufficient to test the qualification of the candidates as practitioners.
4. The examination shall include, as related to the human body, the subjects of anatomy, kinesiology, pathology, physiology, psychology, physical therapy theory and procedures as related to medicine and such other subjects, including medical ethics, as the board deems useful to test the fitness of the candidate to practice as a physical therapist assistant.
5. The applicant shall pass a test administered by the board on the laws and rules related to the practice as a physical therapist assistant in this state.
6. The board shall license without examination any legally qualified person who is a resident of this state and who was actively engaged in practice as a physical therapist assistant on August 28, 1993. The board may license such person pursuant to this subsection until ninety days after the effective date of this section.
7. A candidate to practice as a physical therapist assistant who does not meet the educational qualifications may submit to the board an application for examination if such person can furnish written evidence to the board that the person has been employed in this state for at least three of the last five years under the supervision of a licensed physical therapist and such person possesses the knowledge and training equivalent to that obtained in an accredited school. The board may license such persons pursuant to this subsection until ninety days after rules developed by the state board of healing arts regarding physical therapist assistant licensing become effective.

334.702. DEFINITIONS. — As used in sections 334.700 to 334.725, unless the context clearly requires otherwise, the following terms mean:

- (1) "Athlete", ~~[a person who participates in a sanctioned amateur or professional sport or recreational sport activity]~~ **any person who engages in exercise, recreation, sport, or other activity requiring physical strength, agility, flexibility, range of motion, speed, or stamina;**
- (2) "Athletic trainer", a ~~[person]~~ **health care professional** who meets the qualifications of section 334.708 and who, upon the direction of ~~[the team physician and/or]~~ **a consulting physician**, ~~[practices prevention]~~ **licensed under this chapter, promotes health and wellness, provides injury and illness**

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prevention, clinical evaluation and assessment, emergency care, first aid, treatment, or physical rehabilitation of injuries incurred by athletes, **and oversees return to performance activity for athletes** in the manner, means, and methods deemed necessary to effect care ~~[or]~~ , rehabilitation, ~~[or both]~~ or function, **and that are congruent with the athletic trainer's education, training, and competence.** When billing a third party payer, an athletic trainer shall only bill such third party payer for services within the scope of practice of a licensed athletic trainer;

(3) "Athletic training student", a person enrolled in a professional athletic training degree program accredited by the Commission on Accreditation of Athletic Training Education, or its successor agency;

~~[(3)]~~ (4) "Board", the Missouri board for the healing arts;

~~[(4)]~~ (5) "Committee", the **Missouri** athletic ~~[trainers]~~ **trainer** advisory committee;

~~[(5)]~~ (6) "Division", the division of professional registration **within the department of commerce and insurance;**

~~[(6)]~~ "Student athletic trainer", a person who assists in the duties usually performed by a licensed athletic trainer and who works under the direct supervision of a licensed athletic trainer.]

(7) "Physically active individual", any person who engages in exercise, recreation, sport, or other activity requiring physical strength, agility, flexibility, range of motion, speed, or stamina.

334.703. REFERRAL TO PHYSICIAN, WHEN — LIMITATIONS ON SCOPE OF PRACTICE. — 1. An athletic trainer shall refer any individual whose medical condition is beyond the scope of the athletic trainer's education, training, and competence to a physician as defined in section 334.400.

2. If there is no improvement in an individual who has sustained an athletic injury within twenty-one days of initiation of treatment, or ten visits, the athletic trainer shall refer the individual to a physician as defined in section 334.400.

3. The practice of athletic training shall not include the reconditioning or rehabilitation of systemic neurologic or cardiovascular injuries, conditions, or diseases, except for an athlete participating in a sanctioned amateur or professional sport or recreational sport activity under the supervision of the treating physician.

4. Nothing in this section shall be construed as to limit the ability of athletic trainers to provide health care services in accordance with the provisions of this chapter.

334.704. ATHLETIC TRAINERS REQUIRED TO BE LICENSED. — No person shall hold himself or herself out as an athletic trainer ~~[in this state]~~ , **or to be practicing athletic training, by title or description, including the words athletic trainer (AT), licensed athletic trainer (LAT), athletic therapist, or certified athletic trainer (ATC),** unless such person has been licensed as such under the provisions of sections 334.700 to 334.725.

334.706. BOARD OF HEALING ARTS, POWERS AND DUTIES — RULES AND REGULATIONS, PROCEDURE. — 1. The board shall license applicants who meet the qualifications for athletic trainers, who file for licensure, and who pay all fees required for this licensure.

2. The board shall:

(1) Prescribe application forms to be furnished to all persons seeking licensure pursuant to sections 334.700 to 334.725;

(2) Prescribe the form and design of the licensure to be issued pursuant to sections 334.700 to 334.725;

(3) Set the fee for licensure and renewal thereof;

(4) Keep a record of all of its proceedings regarding the Missouri athletic trainers act and of all athletic trainers licensed in this state;

(5) ~~[Annually prepare]~~ **Make available** a roster of the names and **business** addresses of all athletic trainers licensed in this state ~~[- copies of which shall be made available upon request to any person paying the fee therefor]; and~~

(6) ~~[Set the fee for the roster at an amount sufficient to cover the actual cost of publishing and distributing the roster;~~

(7) ~~]~~ Appoint members of the Missouri athletic trainer advisory committee;

(8) ~~Adopt an official seal].~~

3. The board may:

(1) Issue subpoenas to compel witnesses to testify or produce evidence in proceedings to deny ~~[- suspend, or revoke]~~ a license or licensure, **or to discipline a license;**

(2) Promulgate rules pursuant to chapter 536 in order to carry out the provisions of sections 334.700 to 334.725;

(3) Establish guidelines for athletic trainers in sections 334.700 to 334.725.

4. No rule or portion of a rule promulgated under the authority of sections 334.700 to 334.725 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

334.708. LICENSURE, EXAMINATION — RECIPROCITY. — 1. Any person seeking licensure pursuant to sections 334.700 to 334.725 after August 28, 2006, ~~[must be a resident or in the process of establishing residency in this state and]~~ **shall** have passed the ~~[National Athletic Trainers Association]~~ Board of Certification, **Inc.**, or its successor agency, examination.

2. The board shall grant, without examination, licensure to any qualified nonresident athletic trainer holding a license or licensure in another state if such other state recognizes licenses or licensure of the state of Missouri in the same manner.

334.710. LICENSURE FORMS AND FEE — DEPOSIT OF FEES. — 1. All applications for initial licensure pursuant to sections 334.700 to 334.725 shall be submitted on forms prescribed by the board and shall be accompanied by an initial licensure fee. All applications for renewal of licensure issued pursuant to sections 334.700 to 334.725 shall be submitted on forms prescribed by the board and shall be accompanied by a renewal fee.

2. All fees of any kind and character authorized to be charged by the board shall be ~~[paid to the director of revenue and shall be deposited by the state treasurer into the board for the healing arts fund, to be disbursed only in payment for expenses of maintaining the athletic trainer licensure program and for the enforcement of the provisions of sections 334.700 to 334.725]~~ **collected and deposited pursuant to section 334.050.**

334.712. LICENSE ISSUED, WHEN — CONTENT. — 1. Any person who meets the qualifications listed in section 334.708, submits his or her application and fees in accordance with section 334.710, and has not committed any act listed in section 334.715 shall be issued a license pursuant to sections 334.700 to 334.725.

2. Each license issued pursuant to sections 334.700 to 334.725 shall contain the name of the person to whom it was issued, the date on which it was issued and such other information as the board deems advisable. All licenses issued pursuant to sections 334.700 to 334.725 shall expire on ~~[January thirtieth of each year]~~ **a schedule established by rule.**

334.715. REFUSAL TO ISSUE OR RENEW LICENSE, GROUNDS, ALTERNATIVES — COMPLAINT PROCEDURE — REINSTATEMENT, PROCEDURE. — 1. The board may refuse to issue or renew any license required under sections 334.700 to 334.725 for one or any combination of causes listed in subsection 2 of this section or any cause listed in section 334.100. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant's right

to file a complaint with the administrative hearing commission as provided in chapter 621. As an alternative to a refusal to issue or renew any certificate, registration, or authority, the board may, in its discretion, issue a license which is subject to reprimand, probation, restriction, or limitation to an applicant for licensure for any one or any combination of causes listed in subsection 2 of this section or section 334.100. The board's order of reprimand, probation, limitation, or restriction shall contain a statement of the discipline imposed, the basis therefor, the date such action shall become effective, and a statement that the applicant has thirty days to request in writing a hearing before the administrative hearing commission. If the board issues a probationary, limited, or restricted license to an applicant for licensure, either party may file a written petition with the administrative hearing commission within thirty days of the effective date of the probationary, limited, or restricted license seeking review of the board's determination. If no written request for a hearing is received by the administrative hearing commission within the thirty-day period, the right to seek review of the board's decision shall be considered waived.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided in chapter 621 against any holder of a certificate of registration or authority, permit, or license required by sections 334.700 to 334.725 or any person who has failed to renew or has surrendered the person's certification of registration or license for any one or any combination of the following causes:

(1) Violated or conspired to violate any provision of sections 334.700 to 334.725 or any provision of any rule promulgated pursuant to sections 334.700 to 334.725; or

(2) Has been found guilty of unethical conduct as defined in the ethical standards of the National Athletic ~~[Trainers]~~ **Trainers'** Association or the ~~[National Athletic Trainers Association]~~ Board of Certification, **Inc.**, or its successor agency, as adopted and published by the committee and the board and filed with the secretary of state; or

(3) Any cause listed in section 334.100.

3. After the filing of such complaint before the administrative hearing commission, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds provided in subsection 2 of this section for disciplinary action are met, the board may, singly or in combination:

(1) Warn, censure, or place the person named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed ten years; or

(2) Suspend the person's license, certificate, or permit for a period not to exceed three years; or

(3) Administer a public or private reprimand; or

(4) Deny the person's application for a license; or

(5) Permanently withhold issuance of a license or require the person to submit to the care, counseling, or treatment of physicians designated by the board at the expense of the individual to be examined; or

(6) Require the person to attend such continuing education courses and pass such examinations as the board may direct; or

(7) Restrict or limit the person's license for an indefinite period of time; or

(8) Revoke the person's license.

4. In any order of revocation, the board may provide that the person shall not apply for reinstatement of the person's license for a period of time ranging from two to seven years following the date of the order of revocation. All stay orders shall toll such time period.

5. Before restoring to good standing a license, certificate, or permit issued under this chapter which has been in a revoked, suspended, or inactive state for any cause for more than two years, the board may require the applicant to attend such continuing education courses and pass such examinations as the board may direct.

334.717. MISSOURI ATHLETIC TRAINER ADVISORY COMMITTEE, APPOINTMENT — DUTIES — MEMBERS, QUALIFICATIONS, TERMS, VACANCIES. — 1. There is hereby created the "Missouri Athletic Trainer Advisory Committee", to be composed of ~~[five]~~ **six** members to be appointed by the board.

2. The athletic trainer advisory committee shall:

(1) Assist the board in conducting ~~[examinations]~~ **evaluations** for applicants of athletic trainer licensure;

(2) Advise the board on all matters pertaining to the licensure of athletic trainers;

(3) Review all complaints and/or investigations wherein there is a possible violation of sections **334.100**, 334.700 to 334.725, or regulations promulgated pursuant thereto and make recommendations to the board for action;

(4) Follow the provisions of the board's administrative practice procedures in conducting all official duties.

3. ~~[Each]~~ **The** athletic trainer advisory committee ~~[member]~~ **shall be comprised as such:**

(1) **Each member shall** be a citizen of the United States and a resident of the state of Missouri for five years ~~[next]~~ **immediately** preceding appointment **and remain a resident of the state of Missouri throughout the term;** and

(2) ~~[Be comprised of]~~ Three **members shall be** licensed athletic trainers ~~[except for initial appointees];~~ and

(3) One member shall be a physician duly licensed by the Missouri state board for the healing arts; and

(4) One member shall be a general public member; **and**

(5) One member shall be a member of the board.

4. ~~[Except for the initial appointees,]~~ Members shall hold office for terms of six years. ~~[The board shall designate one member for a term expiring in 1984, one member for a term expiring in 1985, one member for a term expiring in 1986, one member for a term expiring in 1987, and one member for a term expiring in 1988.]~~ In the event of death, resignation, or removal of any member, the vacancy of the unexpired term shall be filled by the board in the same manner as the other appointments.

334.721. ATHLETIC TRAINERS NOT TO BE CONSTRUED AS PRACTICING MEDICINE — PERSONS EXEMPT FROM REGISTRATION PROVISION. — 1. Nothing in sections 334.700 to 334.725 shall be construed to authorize the practice of medicine by any person not licensed by the state board of registration for the healing arts.

2. The provisions of sections 334.700 to 334.725 shall not apply to the following persons:

(1) Physicians and surgeons licensed by the state board of registration for the healing arts **pursuant to this chapter;**

(2) ~~[Dentists licensed by the Missouri dental board who confine their practice strictly to dentistry;~~

~~(3) Optometrists licensed by the state board of optometry who confine their practice strictly to optometry, as defined in section 336.010;~~

~~(4)]~~ Nurses licensed by the state board of nursing who confine their practice strictly to nursing **as defined in section 335.016;**

~~[(5)]~~ (3) Chiropractors licensed by the state board of chiropractic examiners who confine themselves strictly to the practice of chiropractic, as defined in section 331.010;

~~[(6)]~~ (4) Podiatrists licensed by the ~~[state board of chiropody or podiatry]~~ **state board of podiatric medicine** who confine their practice strictly to that of a podiatrist, as defined in section 330.010;

~~[(7)]~~ (5) Professional physical therapists licensed by the state board of registration for the healing arts who confine their practice strictly to professional physical therapy, as defined in section 334.500;

~~[(8) Coaches and physical education instructors in the performance of their duties;~~

~~(9)~~ (6) Athletic training students who confine themselves strictly to their duties as defined in sections 334.700 to 334.725;

~~[(10)]~~ (7) Athletic trainers, **holding a valid credential** from other nations, states, or territories performing their duties for their respective teams or organizations if they restrict their duties only to their teams or organizations and only during the course of their teams' or organizations' ~~[stay]~~ **visit, not to exceed thirty days in one calendar year**, in this state.

334.725. VIOLATIONS, PENALTY. — Any person who violates any provision of sections 334.700 to 334.725 is guilty of a misdemeanor and, upon conviction thereof, shall be punished as for a class ~~[C]~~ **B** misdemeanor.

334.920. BOARD POWERS — DISCIPLINING AND SANCTIONS — VIOLATIONS, PENALTY. —

1. The board may refuse to issue or renew any certificate of registration or authority, permit or license required pursuant to sections 334.800 to 334.930 for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his or her right to file a complaint with the administrative hearing commission as provided by chapter 621.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate of registration or authority, permit or license required by sections 334.800 to 334.930 or any person who has failed to renew or has surrendered his or her certificate of registration or authority, permit or license for any one or any combination of the following causes:

(1) Use or unlawful possession of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of a respiratory care practitioner;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state ~~[or]~~, of the United States, **or of any country**, for any offense ~~[reasonably]~~ **directly** related to the ~~[qualifications, functions or]~~ duties ~~[of a respiratory care practitioner, for any offense an essential element is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude,]~~ **and responsibilities of the occupation, as set forth in section 324.012, regardless of whether or not sentence is imposed;**

(3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of registration or authority, permit or license issued pursuant to sections 334.800 to 334.930 or in obtaining permission to take any examination given or required pursuant to sections 334.800 to 334.930;

(4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions and duties of a respiratory care practitioner;

(6) Violation of, or assisting or enabling any person to violate, any provision of sections 334.800 to 334.930 or any lawful rule or regulation adopted pursuant to sections 334.800 to 334.930;

(7) Impersonation of any person holding a certificate of registration or authority, permit or license or allowing any person to use his or her certificate of registration or authority, permit, license or diploma from any school;

(8) Disciplinary action against the holder of a license or other right to practice any profession regulated by sections 334.800 to 334.930 granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;

(9) A person if finally adjudged insane or incompetent by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice as a respiratory care practitioner who is not registered and currently eligible to practice pursuant to sections 334.800 to 334.930;

(11) Issuance of a certificate of registration or authority, permit or license based upon a material mistake of fact;

(12) Violation of any professional trust or confidence;

(13) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;

(14) Committing unethical conduct as defined in the ethical standards for respiratory care practitioners adopted by the division and filed with the secretary of state; or

(15) Violation of the drug laws or rules and regulations of this state, any other state or the federal government.

3. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section for disciplinary action are met, the board may, singly or in combination, censure or place the person named in the complaint on probation with such terms and conditions as the board deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or may revoke the license, certificate or permit.

4. An individual whose license has been revoked shall wait at least one year from the date of revocation to apply for relicensure. Relicensure shall be at the discretion of the board after compliance with all requirements of sections 334.800 to 334.930 relative to the licensing of the applicant for the first time.

5. Any person who violates any of the provisions of sections 334.800 to 334.930 is guilty of class A misdemeanor.

336.030. PERSONS QUALIFIED TO RECEIVE LICENSE. — 1. A person is qualified to receive a license as an optometrist:

(1) ~~Who is of good moral character;~~

~~(2)~~ Who has graduated from a college or school of optometry approved by the board; and

~~[(3)]~~ (2) Who has met either of the following conditions:

(a) Has passed an examination satisfactory to, conducted by, or approved by the board to determine his or her fitness to receive a license as an optometrist with pharmaceutical certification and met the requirements of licensure as may be required by rule and regulation; or

(b) Has been licensed and has practiced for at least three years in the five years immediately preceding the date of application with pharmaceutical certification in another state, territory, country, or province in which the requirements are substantially equivalent to the requirements in this state and has satisfactorily completed any practical examination or any examination on Missouri laws as may be required by rule and regulation.

2. The board may adopt reasonable rules and regulations providing for the examination and certification of optometrists who apply to the board for the authority to practice optometry in this state.

336.080. RENEWAL OF LICENSE — REQUIREMENTS. — 1. Every licensed optometrist who continues in active practice or service shall, on or before the renewal date, renew his or her license and pay the required renewal fee and present satisfactory evidence to the board of his or her attendance for a minimum of thirty-two hours of board-approved continuing education, or their equivalent during the preceding two-year continuing education reporting period as established by rule and regulation. **As part of the thirty-two hours of continuing education, a licensed optometrist shall be required to obtain two hours in the area of Missouri jurisprudence, as approved by the board.** The continuing education requirement may be waived by the board upon presentation to it of satisfactory evidence of the illness of the optometrist or for other good cause as defined by rule and regulation. The board shall not reject any such application if approved programs are not available within the state of Missouri. Every license which has not been renewed on or before the renewal date shall expire.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

2. Any licensed optometrist who permits his or her license to expire may renew it within five years of expiration upon payment of the required reactivation fee and presentation of satisfactory evidence to the board of his or her attendance for a minimum of forty-eight hours of board-approved continuing education, or their equivalent, during the five years.

336.110. DENIAL, REVOCATION, OR SUSPENSION OF LICENSE, GROUNDS FOR. — 1. The board may refuse to issue any certificate of registration or authority, permit or license required pursuant to this chapter for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his right to file a complaint with the administrative hearing commission as provided by chapter 621.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered his certificate of registration or authority, permit or license for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by this chapter;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state ~~[or]~~, of the United States, **or of any country**, for any offense ~~[reasonably]~~ **directly** related to the ~~[qualifications, functions or]~~ duties ~~[of any profession licensed or regulated under this chapter, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude,]~~ **and responsibilities of the occupation, as set forth in section 324.012, regardless of** whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of registration or authority, permit or license issued pursuant to this chapter or in obtaining permission to take any examination given or required pursuant to this chapter;

(4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of any profession licensed or regulated by this chapter;

(6) Violation of, or assisting or enabling any person to violate, any provision of this chapter, or of any lawful rule or regulation adopted pursuant to this chapter;

(7) Impersonation of any person holding a certificate of registration or authority, permit or license or allowing any person to use his or her certificate of registration or authority, permit, license or diploma from any school;

(8) Disciplinary action against the holder of a license or other right to practice any profession regulated by this chapter granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;

(9) A person is finally adjudged insane or incompetent by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by this chapter who is not registered and currently eligible to practice under this chapter;

(11) Issuance of a certificate of registration or authority, permit or license based upon a material mistake of fact;

(12) Failure to display a valid certificate or license if so required by this chapter or any rule promulgated hereunder;

(13) Violation of any professional trust or confidence;

(14) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed. False, misleading or deceptive advertisements or solicitations shall include, but not be limited to:

(a) Promises of cure, relief from pain or other physical or mental condition, or improved physical or mental health;

(b) Any self-laudatory statement;

(c) Any misleading or deceptive statement offering or promising a free service. Nothing herein shall be construed to make it unlawful to offer a service for no charge if the offer is announced as part of a full disclosure of routine fees including consultation fees;

(d) Any misleading or deceptive claims of patient cure, relief or improved condition; superiority in service, treatment or materials; new or improved service, treatment or material; or reduced costs or greater savings. Nothing herein shall be construed to make it unlawful to use any such claim if it is readily verifiable by existing documentation, data or other substantial evidence. Any claim which exceeds or exaggerates the scope of its supporting documentation, data or evidence is misleading or deceptive;

(15) Violation of the drug laws or rules and regulation of this state, any other state or the federal government;

(16) Failure or refusal to properly guard against contagious, infectious or communicable diseases or the spread thereof.

3. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2, for disciplinary action are met, the board may, singly or in combination, censure or place the person named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke the license, certificate, or permit.

337.020. TEMPORARY, PROVISIONAL OR PERMANENT LICENSES, APPLICATION, QUALIFICATIONS, EXAMINATIONS, FEES. — 1. Each person desiring to obtain a license, whether temporary, provisional or permanent, as a psychologist shall make application to the committee upon such forms and in such manner as may be prescribed by the committee and shall pay the required application fee. The form shall include a statement that the applicant has completed two hours of suicide assessment, referral, treatment, and management training that meets the guidelines developed by the committee. ~~[The committee shall not charge an application fee until such time that the application has been approved. In the event that an application is denied or rejected, no application fee shall be charged.]~~ The application fee shall not be refundable. Each application shall contain a statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing the application, subject to the penalties of making a false affidavit or declaration.

2. Each applicant, whether for temporary, provisional or permanent licensure, shall submit evidence satisfactory to the committee that the applicant is at least twenty-one years of age ~~[is of good moral character,]~~ and meets the appropriate educational requirements as set forth in either section 337.021 or 337.025, or is qualified for licensure without examination pursuant to section 337.029. In determining the acceptability of the applicant's qualifications, the committee may require evidence that it deems reasonable and proper, in accordance with law, and the applicant shall furnish the evidence in the manner required by the committee.

3. The committee with assistance from the division shall issue a permanent license to and register as a psychologist any applicant who, in addition to having fulfilled the other requirements of sections 337.010 to 337.090, passes the examination for professional practice in psychology and such other examinations in psychology which may be adopted by the committee, except that an applicant fulfilling

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the requirement of section 337.029 shall upon successful completion of the jurisprudence examination and completion of the oral examination be permanently licensed without having to retake the examination for professional practice in psychology.

4. The committee, with assistance from the division, shall issue a provisional license to, and register as being a provisionally licensed psychologist, any applicant who is a graduate of a recognized educational institution with a doctoral degree in psychology as defined in section 337.025, and who otherwise meets all requirements to become a licensed psychologist, except for passage of the national and state licensing exams, oral examination and completion of the required period of postdegree supervised experience as specified in subsection 2 of section 337.025.

5. A provisional license issued pursuant to subsection 4 of this section shall only authorize and permit the applicant to render those psychological services which are under the supervision and the full professional responsibility and control of such person's postdoctoral degree licensed supervisor. A provisional license shall automatically terminate upon issuance of a permanent license, upon a finding of cause to discipline after notice and hearing pursuant to section 337.035, upon the expiration of one year from the date of issuance whichever event first occurs, or upon termination of supervision by the licensed supervisor. The provisional license may be renewed after one year with a maximum issuance of two years total per provisional licensee. The committee by rule shall provide procedures for exceptions and variances from the requirement of a maximum issuance of two years due to vacations, illness, pregnancy and other good causes.

6. The committee, with assistance from the division, shall immediately issue a temporary license to any applicant for licensure either by reciprocity pursuant to section 337.029, or by endorsement of the score from the examination for professional practice in psychology upon receipt of an application for such licensure and upon proof that the applicant is either licensed as a psychologist in another jurisdiction, is a diplomate of the American Board of Professional Psychology, or is a member of the National Register of Health Services Providers in Psychology.

7. A temporary license issued pursuant to subsection 6 of this section shall authorize the applicant to practice psychology in this state, the same as if a permanent license had been issued. Such temporary license shall be issued without payment of an additional fee and shall remain in full force and effect until the earlier of the following events:

(1) A permanent license has been issued to the applicant following successful completion of the jurisprudence examination and the oral interview examination;

(2) In cases where the committee has found the applicant ineligible for licensure and no appeal has been taken to the administrative hearing commission, then at the expiration of such appeal time; or

(3) In cases where the committee has found the applicant ineligible for licensure and the applicant has taken an appeal to the administrative hearing commission and the administrative hearing commission has also found the applicant ineligible, then upon the rendition by the administrative hearing commission of its findings of fact and conclusions of law to such effect.

8. Written and oral examinations pursuant to sections 337.010 to 337.090 shall be administered by the committee at least twice each year to any applicant who meets the educational requirements set forth in either section 337.021 or 337.025 or to any applicant who is seeking licensure either by reciprocity pursuant to section 337.029, or by endorsement of the score from the examination of professional practice in psychology. The committee shall examine in the areas of professional knowledge, techniques and applications, research and its interpretation, professional affairs, ethics, and Missouri law and regulations governing the practice of psychology. The committee may use, in whole or in part, the examination for professional practice in psychology national examination in psychology or such other national examination in psychology which may be available.

9. If an applicant fails any examination, the applicant shall be permitted to take a subsequent examination, upon the payment of an additional reexamination fee. This reexamination fee shall not be refundable.

337.029. LICENSES BASED ON RECIPROCITY TO BE ISSUED, WHEN — HEALTH SERVICE PROVIDER CERTIFICATION ELIGIBILITY. — 1. A psychologist licensed in another jurisdiction who has had no violations and no suspensions and no revocation of a license to practice psychology in any jurisdiction may receive a license in Missouri, provided the psychologist passes a written examination on Missouri laws and regulations governing the practice of psychology and meets one of the following criteria:

- (1) Is a diplomate of the American Board of Professional Psychology;
- (2) Is a member of the National Register of Health Service Providers in Psychology;
- (3) ~~Is currently licensed or certified as a psychologist in another jurisdiction who is then a signatory to the Association of State and Provincial Psychology Board's reciprocity agreement;~~
- (4) Is currently licensed or certified as a psychologist in another state, territory of the United States, or the District of Columbia and:
 - (a) Has a doctoral degree in psychology from a program accredited, or provisionally accredited, either by the American Psychological Association or the Psychological Clinical Science Accreditation System, or that meets the requirements as set forth in subdivision (3) of subsection 3 of section 337.025;
 - (b) Has been licensed for the preceding five years; and
 - (c) Has had no disciplinary action taken against the license for the preceding five years; or
- ~~(5)~~ (4) Holds a current certificate of professional qualification (CPQ) issued by the Association of State and Provincial Psychology Boards (ASPPB).

2. Notwithstanding the provisions of subsection 1 of this section, applicants may be required to pass an oral examination as adopted by the committee.

3. A psychologist who receives a license for the practice of psychology in the state of Missouri on the basis of reciprocity as listed in subsection 1 of this section or by endorsement of the score from the examination of professional practice in psychology score will also be eligible for and shall receive certification from the committee as a health service provider if the psychologist meets one or more of the following criteria:

- (1) Is a diplomate of the American Board of Professional Psychology in one or more of the specialties recognized by the American Board of Professional Psychology as pertaining to health service delivery;
- (2) Is a member of the National Register of Health Service Providers in Psychology; or
- (3) Has completed or obtained through education, training, or experience the requisite knowledge comparable to that which is required pursuant to section 337.033.

337.035. DENIAL, REVOCATION, OR SUSPENSION OF LICENSE, GROUNDS FOR — INTERESTED THIRD PARTY, DEFINED. — 1. The committee may refuse to issue any certificate of registration or authority, permit or license required pursuant to this chapter for one or any combination of causes stated in subsection 2 of this section. The committee shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant's right to file a complaint with the administrative hearing commission as provided by chapter 621.

2. The committee may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered the person's certificate of registration or authority, permit or license for any one or any combination of the following causes:

- (1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by this chapter;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state ~~[or]~~, of the United States, **or of any country**, for any offense ~~[reasonably]~~ **directly** related to the ~~[qualifications, functions or]~~ duties ~~[of any profession licensed or regulated under this chapter, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude,]~~ **and responsibilities of the occupation, as set forth in section 324.012, regardless of** whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of registration or authority, permit or license issued pursuant to this chapter or in obtaining permission to take any examination given or required pursuant to this chapter;

(4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of any profession licensed or regulated by this chapter;

(6) Violation of, or assisting or enabling any person to violate, any provision of this chapter, or of any lawful rule or regulation adopted pursuant to this chapter;

(7) Impersonation of any person holding a certificate of registration or authority, permit or license or allowing any person to use his or her certificate of registration or authority, permit, license or diploma from any school;

(8) Disciplinary action against the holder of a license or other right to practice any profession regulated by this chapter granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;

(9) A person is finally adjudged insane or incapacitated by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by this chapter who is not registered and currently eligible to practice as provided this chapter;

(11) Issuance of a certificate of registration or authority, permit or license based upon a material mistake of fact;

(12) Failure to display a valid certificate or license if so required by this chapter or any rule promulgated pursuant to this chapter;

(13) Violation of any professional trust or confidence;

(14) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;

(15) Being guilty of unethical conduct as defined in "Ethical Rules of Conduct" as adopted by the committee and filed with the secretary of state.

3. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2, for disciplinary action are met, the committee may, singly or in combination, censure or place the person named in the complaint on probation on such terms and conditions as the department deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke the license, certificate, or permit.

4. An interested third party may file a complaint or appear or present evidence relative to such complaint or another complaint filed pursuant to this section. For purposes of this section, an interested third party includes a parent or guardian of a person who received treatment by a psychologist or any person who is related within the second degree of consanguinity or affinity and who is financially responsible for the payment of such treatment.

337.050. STATE COMMITTEE OF PSYCHOLOGISTS CREATED — MEMBERS, QUALIFICATIONS, COMPENSATION, REMOVAL — RULES, PROCEDURE — SEAL — CONTINUING EDUCATION, PROOF FOR LICENSE RENEWAL, TYPES OF CONTINUING

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.

Matter in bold-face type is proposed language.

EDUCATION. — 1. There is hereby created and established a "State Committee of Psychologists", which shall consist of seven licensed psychologists and one public member. The state committee of psychologists existing on August 28, 1989, is abolished. Nothing in this section shall be construed to prevent the appointment of any current member of the state committee of psychologists to the new state committee of psychologists created on August 28, 1989.

2. Appointments to the committee shall be made by the governor upon the recommendations of the director of the division, upon the advice and consent of the senate. The division, prior to submitting nominations, shall solicit nominees from professional psychological associations and licensed psychologists in the state. The term of office for committee members shall be five years, and committee members shall not serve more than ten years. No person who has previously served on the committee for ten years shall be eligible for appointment. In making initial appointments to the committee, the governor shall stagger the terms of the appointees so that two members serve initial terms of two years, two members serve initial terms of three years, and two members serve initial terms of four years.

3. Each committee member shall be a resident of the state of Missouri for one year, shall be a United States citizen, and shall, other than the public member, have been licensed as a psychologist in this state for at least three years. Committee members shall reflect a diversity of practice specialties. To ensure adequate representation of the diverse fields of psychology, the committee shall consist of at least two psychologists who are engaged full time in the doctoral teaching and training of psychologists, and at least two psychologists who are engaged full time in the professional practice of psychology. In addition, the first appointment to the committee shall include at least one psychologist who shall be licensed on the basis of a master's degree who shall serve a full term of five years. Nothing in sections 337.010 to 337.090 shall be construed to prohibit full membership rights on the committee for psychologists licensed on the basis of a master's degree. If a member of the committee shall, during the member's term as a committee member, remove the member's domicile from the state of Missouri, then the committee shall immediately notify the director of the division, and the seat of that committee member shall be declared vacant. All such vacancies shall be filled by appointment of the governor with the advice and consent of the senate, and the member so appointed shall serve for the unexpired term of the member whose seat has been declared vacant.

4. The public member shall be at the time of the public member's appointment a citizen of the United States; a resident of this state for a period of one year and a registered voter; a person who is not and never was a member of any profession licensed or regulated pursuant to sections 337.010 to 337.093 or the spouse of such person; and a person who does not have and never has had a material, financial interest in either the providing of the professional services regulated by sections 337.010 to 337.093, or an activity or organization directly related to any profession licensed or regulated pursuant to sections 337.010 to 337.093. The duties of the public member shall not include the determination of the technical requirements to be met for licensure or whether any person meets such technical requirements or of the technical competence or technical judgment of a licensee or a candidate for licensure.

5. The committee shall hold a regular annual meeting at which it shall select from among its members a chairperson and a secretary. A quorum of the committee shall consist of a majority of its members. In the absence of the chairperson, the secretary shall conduct the office of the chairperson.

6. Each member of the committee shall receive, as compensation, an amount set by the division not to exceed fifty dollars for each day devoted to the affairs of the committee and shall be entitled to reimbursement for necessary and actual expenses incurred in the performance of the member's official duties.

7. Staff for the committee shall be provided by the director of the division of professional registration.

8. The governor may remove any member of the committee for misconduct, inefficiency, incompetency, or neglect of office.

9. In addition to the powers set forth elsewhere in sections 337.010 to 337.090, the division may adopt rules and regulations, not otherwise inconsistent with sections 337.010 to 337.090, to carry out the provisions of sections 337.010 to 337.090. The committee may promulgate, by rule, "Ethical Rules of Conduct" governing the practices of psychology which rules shall be based upon the ethical principles promulgated and published by the American Psychological Association.

10. Any rule or portion of a rule, as that term is defined in section 536.010, that is promulgated to administer and enforce sections 337.010 to 337.090, shall become effective only if the agency has fully complied with all of the requirements of chapter 536 including but not limited to section 536.028 if applicable, after August 28, 1998. All rulemaking authority delegated prior to August 28, 1998, is of no force and effect and repealed as of August 28, 1998, however nothing in this act shall be interpreted to repeal or affect the validity of any rule adopted and promulgated prior to August 28, 1998. If the provisions of section 536.028 apply, the provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028 to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void, except that nothing in this act shall affect the validity of any rule adopted and promulgated prior to August 28, 1998.

11. The committee may sue and be sued in its official name, and shall have a seal which shall be affixed to all certified copies or records and papers on file, and to such other instruments as the committee may direct. All courts shall take judicial notice of such seal. Copies of records and proceedings of the committee, and of all papers on file with the division on behalf of the committee certified under the seal shall be received as evidence in all courts of record.

12. When applying for a renewal of a license pursuant to section 337.030, each licensed psychologist shall submit proof of the completion of at least forty hours of continuing education credit within the two-year period immediately preceding the date of the application for renewal of the license, **with a minimum of three of the forty hours of continuing education dedicated to professional ethics**. The type of continuing education to be considered shall include, but not be limited to:

- (1) Attending recognized educational seminars, the content of which are primarily psychological, as defined by rule;
- (2) Attending a graduate level course at a recognized educational institution where the contents of which are primarily psychological, as defined by rule;
- (3) Presenting a recognized educational seminar, the contents of which are primarily psychological, as defined by rule;
- (4) Presenting a graduate level course at a recognized educational institution where the contents of which are primarily psychological, as defined by rule; and
- (5) Independent course of studies, the contents of which are primarily psychological, which have been approved by the committee and defined by rule.

The committee shall determine by administrative rule the amount of training, instruction, self-instruction or teaching that shall be counted as an hour of continuing education credit.

337.330. REFUSAL OF LICENSURE — COMPLAINT PROCEDURE. — 1. The committee may refuse to issue any license required under this chapter for one or any combination of causes stated in subsection 2 of this section. The committee shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant's right to file a complaint with the administrative hearing commission as provided by chapter 621.

2. The committee may cause a complaint to be filed with the administrative hearing commission, as provided by chapter 621, against any holder of any license required by this chapter or any person

who has failed to renew or has surrendered the person's license for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by this chapter;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state ~~[or]~~, of the United States, **or of any country** for any offense ~~[reasonably]~~ **directly** related to the ~~[qualifications, functions, or]~~ duties ~~[of any profession licensed or regulated under this chapter, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude,]~~ **and responsibilities of the occupation, as set forth in section 324.012, regardless of** whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation or bribery in securing any permit or license issued under this chapter or in obtaining permission to take any examination given or required under sections 337.300 to 337.345;

(4) Obtaining or attempting to obtain any fee, charge, tuition, or other compensation by fraud, deception or misrepresentation;

(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation, or dishonesty in the performance of the functions or duties of any profession licensed by sections 337.300 to 337.345;

(6) Violation of, or assisting or enabling any person to violate, any provision of sections 337.300 to 337.345, or of any lawful rule adopted thereunder;

(7) Impersonation of any person holding a certificate of registration or authority, permit or license or allowing any person to use his or her certificate of registration or authority, permit, license, or diploma from any school;

(8) Disciplinary action against the holder of a license or other right to practice any profession regulated by sections 337.300 to 337.345 granted by another state, territory, federal agency, or country upon grounds for which revocation or suspension is authorized in this state;

(9) A person is finally adjudged insane or incapacitated by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by sections 337.300 to 337.345 who is not registered and currently eligible to practice as provided in sections 337.300 to 337.345;

(11) Issuance of a certificate of registration or authority, permit, or license based upon a material mistake of fact;

(12) Failure to display a valid certificate or license if so required by sections 337.300 to 337.345 or any rule promulgated thereunder;

(13) Violation of any professional trust or confidence;

(14) Use of any advertisement or solicitation which is false, misleading, or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;

(15) Being guilty of unethical conduct as defined in the code of conduct as adopted by the committee and filed with the secretary of state.

3. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the committee may, singly or in combination, censure or place the person named in the complaint on probation on such terms and conditions as the department deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke the license, certificate, or permit.

337.510. REQUIREMENTS FOR LICENSURE — RECIPROCITY — PROVISIONAL PROFESSIONAL COUNSELOR LICENSE ISSUED, WHEN, REQUIREMENTS — RENEWAL LICENSE

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

FEE. — 1. Each applicant for licensure as a professional counselor shall furnish evidence to the committee that the applicant is at least eighteen years of age, ~~[is of good moral character,]~~ is a United States citizen or is legally present in the United States; and

(1) The applicant has completed a course of study as defined by the board rule leading to a master's, specialist's, or doctoral degree with a major in counseling, except any applicant who has held a license as a professional counselor in this state or currently holds a license as a professional counselor in another state shall not be required to have completed any courses related to career development; and

(2) The applicant has completed acceptable supervised counseling as defined by board rule. If the applicant has a master's degree with a major in counseling as defined by board rule, the applicant shall complete at least two years of acceptable supervised counseling experience subsequent to the receipt of the master's degree. The composition and number of hours comprising the acceptable supervised counseling experience shall be defined by board rule. An applicant may substitute thirty semester hours of post master's graduate study for one of the two required years of acceptable supervised counseling experience if such hours are clearly related to counseling;

(3) After August 28, 2007, each applicant shall have completed a minimum of three hours of graduate level coursework in diagnostic systems either in the curriculum leading to a degree or as post master's graduate level course work;

(4) Upon examination, the applicant is possessed of requisite knowledge of the profession, including techniques and applications, research and its interpretation, and professional affairs and ethics.

2. Any person holding a current license, certificate of registration, or permit from another state or territory of the United States to practice as a professional counselor who does not meet the requirements in section 324.009 and who is at least eighteen years of age, ~~[is of good moral character,]~~ and is a United States citizen or is legally present in the United States may be granted a license without examination to engage in the practice of professional counseling in this state upon the application to the board, payment of the required fee as established by the board, and satisfying one of the following requirements:

(1) Approval by the American Association of State Counseling Boards (AASCB) or its successor organization according to the eligibility criteria established by AASCB. The successor organization shall be defined by board rule; or

(2) In good standing and currently certified by the National Board for Certified Counselors or its successor organization and has completed acceptable supervised counseling experience as defined by board rule. The successor organization shall be defined by board rule.

3. The committee shall issue a license to each person who files an application and fee and who furnishes evidence satisfactory to the committee that the applicant has complied with the provisions of this act and has taken and passed a written, open-book examination on Missouri laws and regulations governing the practice of professional counseling as defined in section 337.500. The division shall issue a provisional professional counselor license to any applicant who meets all requirements of this section, but who has not completed the required acceptable supervised counseling experience and such applicant may reapply for licensure as a professional counselor upon completion of such acceptable supervised counseling experience.

4. All persons licensed to practice professional counseling in this state shall pay on or before the license renewal date a renewal license fee and shall furnish to the committee satisfactory evidence of the completion of the requisite number of hours of continuing education as required by rule, including two hours of suicide assessment, referral, treatment, and management training, which shall be no more than forty hours biennially. The continuing education requirements may be waived by the committee upon presentation to the committee of satisfactory evidence of the illness of the licensee or for other good cause.

337.525. GROUNDS FOR REFUSAL, REVOCATION OR SUSPENSION OF LICENSE — CIVIL IMMUNITY, WHEN — PROCEDURE UPON FILING COMPLAINT. — 1. The committee may refuse to

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Matter in bold-face type is proposed language.

issue or renew any license required by the provisions of sections 337.500 to 337.540 for one or any combination of causes stated in subsection 2 of this section. The committee shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his **or her** right to file a complaint with the administrative hearing commission as provided by chapter 621.

2. The committee may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any license required by sections 337.500 to 337.540 or any person who has failed to renew or has surrendered his license for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person's ability to engage in the occupation of professional counselor;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state ~~or~~ , of the United States, **or of any country**, for any offense ~~reasonably~~ **directly** related to the ~~qualifications, functions or~~ duties ~~of a professional counselor; for any offense an essential element of which is fraud, dishonesty or an act of violence; or for any offense involving moral turpitude;~~ **and responsibilities of the occupation, as set forth in section 324.012, regardless of** whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation or bribery in securing any license issued pursuant to the provisions of sections 337.500 to 337.540 or in obtaining permission to take any examination given or required pursuant to the provisions of sections 337.500 to 337.540;

(4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

(5) Incompetency, misconduct, fraud, misrepresentation or dishonesty in the performance of the functions or duties of a professional counselor;

(6) Violation of, or assisting or enabling any person to violate, any provision of sections 337.500 to 337.540, or of any lawful rule or regulation adopted pursuant to sections 337.500 to 337.540;

(7) Impersonation of any person holding a license or allowing any person to use his or her license or diploma from any school;

(8) Revocation or suspension of a license or other right to practice counseling granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;

(9) A person is finally adjudged incapacitated by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice professional counseling who is not licensed and currently eligible to practice under the provisions of sections 337.500 to 337.540;

(11) Issuance of a license based upon a material mistake of fact;

(12) Failure to display a valid license if so required by sections 337.500 to 337.540 or any rule promulgated hereunder;

(13) Violation of any professional trust or confidence;

(14) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;

(15) Being guilty of unethical conduct as defined in the ethical standards for counselors adopted by the division and filed with the secretary of state.

3. Any person, organization, association or corporation who reports or provides information to the committee pursuant to the provisions of this chapter and who does so in good faith shall not be subject to an action for civil damages as a result thereof.

4. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the committee may censure or place the person named in the complaint on probation on such terms and conditions as the committee

deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke the license.

337.615. EDUCATION, EXPERIENCE REQUIREMENTS — RECIPROCITY — LICENSES ISSUED, WHEN. — 1. Each applicant for licensure as a clinical social worker shall furnish evidence to the committee that:

(1) The applicant has a master's degree from a college or university program of social work accredited by the council of social work education or a doctorate degree from a school of social work acceptable to the committee;

(2) The applicant has completed at least three thousand hours of supervised clinical experience with a qualified clinical supervisor, as defined in section 337.600, in no less than twenty-four months and no more than forty-eight consecutive calendar months. For any applicant who has successfully completed at least four thousand hours of supervised clinical experience with a qualified clinical supervisor, as defined in section 337.600, within the same time frame prescribed in this subsection, the applicant shall be eligible for application of licensure at three thousand hours and shall be furnished a certificate by the state committee for social workers acknowledging the completion of said additional hours;

(3) The applicant has achieved a passing score, as defined by the committee, on an examination approved by the committee. The eligibility requirements for such examination shall be promulgated by rule of the committee;

(4) The applicant is at least eighteen years of age, ~~is of good moral character,~~ is a United States citizen or has status as a legal resident alien, and has not been ~~convicted of a felony during the ten years immediately prior to application for licensure~~ **finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state, of the United States, or of any country, for any offense directly related to the duties and responsibilities of the occupation, as set forth in section 324.012, regardless of whether or not sentence has been imposed.**

2. Any person holding a current license, certificate of registration, or permit from another state or territory of the United States or the District of Columbia to practice clinical social work who does not meet the requirements of section 324.009 and who has had no disciplinary action taken against the license, certificate of registration, or permit for the preceding five years may be granted a license to practice clinical social work in this state if the person has received a masters or doctoral degree from a college or university program of social work accredited by the council of social work education and has been licensed to practice clinical social work for the preceding five years.

3. The committee shall issue a license to each person who files an application and fee as required by the provisions of sections 337.600 to 337.689 and who furnishes evidence satisfactory to the committee that the applicant has complied with the provisions of subdivisions (1) to (4) of subsection 1 of this section or with the provisions of subsection 2 of this section.

337.630. GROUNDS FOR REFUSAL, REVOCATION OR SUSPENSION OF LICENSE — CIVIL IMMUNITY, WHEN — PROCEDURE UPON FILING COMPLAINT. — 1. The committee may refuse to issue or renew any license required by the provisions of sections 337.600 to 337.689 for one or any combination of causes stated in subsection 2 of this section. The committee shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant's right to file a complaint with the administrative hearing commission as provided by chapter 621.

2. The committee may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any license required by sections 337.600 to 337.689 or any person who has failed to renew or has surrendered the person's license for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person's ability to engage in the occupation of social work licensed under this chapter; except that the fact that a person has undergone treatment for past substance or alcohol abuse and/or has participated in a recovery program, shall not by itself be cause for refusal to issue or renew a license;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution pursuant to the laws of any state ~~[or]~~, of the United States, **or of any country**, for any offense ~~[reasonably]~~ **directly** related to the ~~[qualifications, functions or]~~ duties ~~[of a social worker licensed under this chapter; for any offense an essential element of which is fraud, dishonesty or an act of violence; or for any offense involving moral turpitude;]~~ **and responsibilities of the occupation, as set forth in section 324.012, regardless of** whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation or bribery in securing any license issued pursuant to the provisions of sections 337.600 to 337.689 or in obtaining permission to take any examination given or required pursuant to the provisions of sections 337.600 to 337.689;

(4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

(5) Incompetency, misconduct, fraud, misrepresentation or dishonesty in the performance of the functions or duties of a social worker licensed pursuant to this chapter;

(6) Violation of, or assisting or enabling any person to violate, any provision of sections 337.600 to 337.689, or of any lawful rule or regulation adopted pursuant to sections 337.600 to 337.689;

(7) Impersonation of any person holding a license or allowing any person to use the person's license or diploma from any school;

(8) Revocation or suspension of a license or other right to practice social work licensed pursuant to this chapter granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;

(9) Final adjudication as incapacitated by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice social work licensed pursuant to this chapter who is not licensed and currently eligible to practice pursuant to the provisions of sections 337.600 to 337.689;

(11) Obtaining a license based upon a material mistake of fact;

(12) Failure to display a valid license if so required by sections 337.600 to 337.689 or any rule promulgated hereunder;

(13) Violation of any professional trust or confidence;

(14) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;

(15) Being guilty of unethical conduct as defined in the ethical standards for clinical social workers adopted by the committee by rule and filed with the secretary of state.

3. Any person, organization, association or corporation who reports or provides information to the committee pursuant to the provisions of sections 337.600 to 337.689 and who does so in good faith shall not be subject to an action for civil damages as a result thereof.

4. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the committee may censure or place the person named in the complaint on probation on such terms and conditions as the committee deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke the license.

337.644. APPLICATION, CONTENTS — ISSUANCE OF LICENSE, WHEN. — 1. Each applicant for licensure as a master social worker shall furnish evidence to the committee that:

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

(1) The applicant has a master's or doctorate degree in social work from an accredited social work degree program approved by the council of social work education;

(2) The applicant has achieved a passing score, as defined by the committee, on an examination approved by the committee. The eligibility requirements for such examination shall be determined by the state committee for social workers;

(3) The applicant is at least eighteen years of age, ~~[is of good moral character,]~~ is a United States citizen or has status as a legal resident alien, and has not been ~~[convicted of a felony during the ten years immediately prior to application for licensure]~~ **finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state, of the United States, or of any country, for any offense directly related to the duties and responsibilities of the occupation, as set forth in section 324.012, regardless of whether or not sentence is imposed;**

(4) The applicant has submitted a written application on forms prescribed by the state board;

(5) The applicant has submitted the required licensing fee, as determined by the committee.

2. Any applicant who answers in the affirmative to any question on the application that relates to possible grounds for denial of licensure under section 337.630 shall submit a sworn affidavit setting forth in detail the facts which explain such answer and copies of appropriate documents related to such answer.

3. The committee shall issue a license to each person who files an application and fee as required by the provisions of sections 337.600 to 337.689 and who furnishes evidence satisfactory to the committee that the applicant has complied with the provisions of subsection 1 of this section. The license shall refer to the individual as a licensed master social worker and shall recognize that individual's right to practice licensed master social work as defined in section 337.600.

337.645. APPLICATION INFORMATION REQUIRED — ISSUANCE OF LICENSE, WHEN. — 1.

Each applicant for licensure as an advanced macro social worker shall furnish evidence to the committee that:

(1) The applicant has a master's degree from a college or university program of social work accredited by the council of social work education or a doctorate degree from a school of social work acceptable to the committee;

(2) The applicant has completed at least three thousand hours of supervised advanced macro experience with a qualified advanced macro supervisor as defined in section 337.600 in no less than twenty-four months and no more than forty-eight consecutive calendar months. For any applicant who has successfully completed at least four thousand hours of supervised advanced macro experience with a qualified advanced macro supervisor, as defined in section 337.600, within the same time frame prescribed in this subsection, the applicant shall be eligible for application of licensure at three thousand hours and shall be furnished a certificate by the state committee for social workers acknowledging the completion of said additional hours;

(3) The applicant has achieved a passing score, as defined by the committee, on an examination approved by the committee. The eligibility requirements for such examination shall be promulgated by rule of the committee;

(4) The applicant is at least eighteen years of age, ~~[is of good moral character,]~~ is a United States citizen or has status as a legal resident alien, and has not been ~~[convicted of a felony during the ten years immediately prior to application for licensure]~~ **finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state, of the United States, or of any country, for any offense directly related to the duties and responsibilities of the occupation, as set forth in section 324.012, regardless of whether or not sentence is imposed.**

2. Any person holding a current license, certificate of registration, or permit from another state or territory of the United States or the District of Columbia to practice advanced macro social work who has had no disciplinary action taken against the license, certificate of registration, or permit for the

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preceding five years may be granted a license to practice advanced macro social work in this state if the person meets one of the following criteria:

(1) Has received a master's or doctoral degree from a college or university program of social work accredited by the council of social work education and has been licensed to practice advanced macro social work for the preceding five years; or

(2) Is currently licensed or certified as an advanced macro social worker in another state, territory of the United States, or the District of Columbia having substantially the same requirements as this state for advanced macro social workers.

3. The committee shall issue a license to each person who files an application and fee as required by the provisions of sections 337.600 to 337.689 and who furnishes evidence satisfactory to the committee that the applicant has complied with the provisions of subdivisions (1) to (4) of subsection 1 of this section or with the provisions of subsection 2 of this section.

337.665. INFORMATION REQUIRED TO BE FURNISHED COMMITTEE — CERTIFICATE TO PRACTICE INDEPENDENTLY ISSUED, WHEN. — 1. Each applicant for licensure as a baccalaureate social worker shall furnish evidence to the committee that:

(1) The applicant has a baccalaureate degree in social work from an accredited social work degree program approved by the council of social work education;

(2) The applicant has achieved a passing score, as defined by the committee, on an examination approved by the committee. The eligibility requirements for such examination shall be determined by the state committee for social work;

(3) The applicant is at least eighteen years of age, ~~[is of good moral character,]~~ is a United States citizen or has status as a legal resident alien, and has not been ~~[convicted of a felony during the ten years immediately prior to application for licensure]~~ **finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state, of the United States, or of any country, for any offense directly related to the duties and responsibilities of the occupation, as set forth in section 324.012, regardless of whether or not sentence is imposed;**

(4) The applicant has submitted a written application on forms prescribed by the state board;

(5) The applicant has submitted the required licensing fee, as determined by the committee.

2. Any applicant who answers in the affirmative to any question on the application that relates to possible grounds for denial of licensure pursuant to section 337.630 shall submit a sworn affidavit setting forth in detail the facts which explain such answer and copies of appropriate documents related to such answer.

3. The committee shall issue a license to each person who files an application and fee as required by the provisions of sections 337.600 to 337.689 and who furnishes evidence satisfactory to the committee that the applicant has complied with the provisions of subsection 1 of this section.

4. The committee shall issue a certificate to practice independently under subsection 3 of section 337.653 to any licensed baccalaureate social worker who has satisfactorily completed three thousand hours of supervised experience with a qualified baccalaureate supervisor in no less than twenty-four months and no more than forty-eight consecutive calendar months.

337.715. QUALIFICATIONS FOR LICENSURE, EXCEPTIONS. — 1. Each applicant for licensure or provisional licensure as a marital and family therapist shall furnish evidence to the committee that:

(1) The applicant has a master's degree or a doctoral degree in marital and family therapy from a program accredited by the Commission on Accreditation for Marriage and Family Therapy Education, or its equivalent as defined by committee regulation, from an educational institution accredited by a regional accrediting body that is recognized by the United States Department of Education;

(2) The applicant for licensure as a marital and family therapist has twenty-four months of postgraduate supervised clinical experience acceptable to the committee, as the state committee determines by rule;

(3) After August 28, 2008, the applicant shall have completed a minimum of three semester hours of graduate-level course work in diagnostic systems either within the curriculum leading to a degree as defined in subdivision (1) of this subsection or as post-master's graduate-level course work. Each applicant shall demonstrate supervision of diagnosis as a core component of the postgraduate supervised clinical experience as defined in subdivision (2) of this subsection;

(4) Upon examination, the applicant is possessed of requisite knowledge of the profession, including techniques and applications research and its interpretation and professional affairs and ethics;

(5) The applicant is at least eighteen years of age, ~~is of good moral character,~~ is a United States citizen or has status as a legal resident alien, and has not been ~~convicted of a felony during the ten years immediately prior to application for licensure~~ **finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state, of the United States, or of any country, for any offense directly related to the duties and responsibilities of the occupation, as set forth in section 324.012, regardless of whether or not sentence is imposed.**

2. Any person otherwise qualified for licensure holding a current license, certificate of registration, or permit from another state or territory of the United States or the District of Columbia to practice marriage and family therapy may be granted a license without examination to engage in the practice of marital and family therapy in this state upon application to the state committee, payment of the required fee as established by the state committee, and satisfaction of the following:

(1) Determination by the state committee that the requirements of the other state or territory are substantially the same as Missouri;

(2) Verification by the applicant's licensing entity that the applicant has a current license; and

(3) Consent by the applicant to examination of any disciplinary history in any state.

3. The state committee shall issue a license to each person who files an application and fee as required by the provisions of sections 337.700 to 337.739.

337.730. REFUSAL TO ISSUE OR RENEW, GROUNDS, NOTICE, RIGHTS OF APPLICANT — COMPLAINTS FILED WITH ADMINISTRATIVE HEARING COMMISSION. — 1. The committee may refuse to issue or renew any license required by the provisions of sections 337.700 to 337.739 for one or any combination of causes stated in subsection 2 of this section. The committee shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant's right to file a complaint with the administrative hearing commission as provided by chapter 621.

2. The committee may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any license required by sections 337.700 to 337.739 or any person who has failed to renew or has surrendered the person's license for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person's ability to engage in the occupation of marital and family therapist; except the fact that a person has undergone treatment for past substance or alcohol abuse or has participated in a recovery program, shall not by itself be cause for refusal to issue or renew a license;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty in a criminal prosecution under the laws of any state ~~[or]~~ , of the United States, **or of any country**, for any offense ~~[reasonably]~~ **directly** related to the ~~[qualifications, functions or]~~ duties ~~[of a marital and family therapist; for any offense an essential element of which is fraud, dishonesty or an act of violence; or for any offense involving moral turpitude.]~~ **and responsibilities of the occupation, as set forth in section 324.012, regardless of whether or not sentence is imposed;**

(3) Use of fraud, deception, misrepresentation or bribery in securing any license issued pursuant to the provisions of sections 337.700 to 337.739 or in obtaining permission to take any examination given or required pursuant to the provisions of sections 337.700 to 337.739;

(4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

(5) Incompetency, misconduct, fraud, misrepresentation or dishonesty in the performance of the functions or duties of a marital and family therapist;

(6) Violation of, or assisting or enabling any person to violate, any provision of sections 337.700 to 337.739 or of any lawful rule or regulation adopted pursuant to sections 337.700 to 337.739;

(7) Impersonation of any person holding a license or allowing any person to use the person's license or diploma from any school;

(8) Revocation or suspension of a license or other right to practice marital and family therapy granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;

(9) Final adjudication as incapacitated by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice marital and family therapy who is not licensed and is not currently eligible to practice under the provisions of sections 337.700 to 337.739;

(11) Obtaining a license based upon a material mistake of fact;

(12) Failure to display a valid license if so required by sections 337.700 to 337.739 or any rule promulgated hereunder;

(13) Violation of any professional trust or confidence;

(14) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;

(15) Being guilty of unethical conduct as defined in the ethical standards for marital and family therapists adopted by the committee by rule and filed with the secretary of state.

3. Any person, organization, association or corporation who reports or provides information to the committee under sections 337.700 to 337.739 and who does so in good faith shall not be subject to an action for civil damages as a result thereof.

4. After filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds provided in subsection 2 of this section for disciplinary action are met, the division may censure or place the person named in the complaint on probation on such terms and conditions as the committee deems appropriate for a period not to exceed five years, or may suspend for a period not to exceed three years, or revoke the license.

338.220. OPERATION OF PHARMACY WITHOUT PERMIT OR LICENSE UNLAWFUL — APPLICATION FOR PERMIT, CLASSIFICATIONS, FEE — DURATION OF PERMIT. — 1. It shall be unlawful for any person, copartnership, association, corporation or any other business entity to open, establish, operate, or maintain any pharmacy as defined by statute without first obtaining a permit or license to do so from the Missouri board of pharmacy. A permit shall not be required for an individual licensed pharmacist to perform nondispensing activities outside of a pharmacy, as provided by the rules of the board. A permit shall not be required for an individual licensed pharmacist to administer drugs, vaccines, and biologicals by protocol, as permitted by law, outside of a pharmacy. The following classes of pharmacy permits or licenses are hereby established:

(1) Class A: Community/ambulatory;

(2) Class B: Hospital pharmacy;

(3) Class C: Long-term care;

(4) Class D: Nonsterile compounding;

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- (5) Class E: Radio pharmaceutical;
- (6) Class F: Renal dialysis;
- (7) Class G: Medical gas;
- (8) Class H: Sterile product compounding;
- (9) Class I: Consultant services;
- (10) Class J: Shared service;
- (11) Class K: Internet;
- (12) Class L: Veterinary;
- (13) Class M: Specialty (bleeding disorder);
- (14) Class N: Automated dispensing system (health care facility);
- (15) Class O: Automated dispensing system (ambulatory care);
- (16) Class P: Practitioner office/clinic;
- (17) Class Q: Charitable pharmacy.**

2. Application for such permit or license shall be made upon a form furnished to the applicant; shall contain a statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing same, subject to the penalties of making a false affidavit or declaration; and shall be accompanied by a permit or license fee. The permit or license issued shall be renewable upon payment of a renewal fee. Separate applications shall be made and separate permits or licenses required for each pharmacy opened, established, operated, or maintained by the same owner.

3. All permits, licenses or renewal fees collected pursuant to the provisions of sections 338.210 to 338.370 shall be deposited in the state treasury to the credit of the Missouri board of pharmacy fund, to be used by the Missouri board of pharmacy in the enforcement of the provisions of sections 338.210 to 338.370, when appropriated for that purpose by the general assembly.

4. Class L: veterinary permit shall not be construed to prohibit or interfere with any legally registered practitioner of veterinary medicine in the compounding, administering, prescribing, or dispensing of their own prescriptions, or medicine, drug, or pharmaceutical product to be used for animals.

5. Except for any legend drugs under 21 U.S.C. Section 353, the provisions of this section shall not apply to the sale, dispensing, or filling of a pharmaceutical product or drug used for treating animals.

6. A "class B hospital pharmacy" shall be defined as a pharmacy owned, managed, or operated by a hospital as defined by section 197.020 or a clinic or facility under common control, management or ownership of the same hospital or hospital system. This section shall not be construed to require a class B hospital pharmacy permit or license for hospitals solely providing services within the practice of pharmacy under the jurisdiction of, and the licensure granted by, the department of health and senior services under and pursuant to chapter 197.

7. Upon application to the board, any hospital that holds a pharmacy permit or license on August 28, 2014, shall be entitled to obtain a class B pharmacy permit or license without fee, provided such application shall be submitted to the board on or before January 1, 2015.

339.040. LICENSES GRANTED TO WHOM — EXAMINATION — QUALIFICATIONS — FEE — TEMPORARY BROKER'S LICENSE, WHEN. — 1. Licenses shall be granted only to persons who present, and corporations, associations, partnerships, limited partnerships, limited liability companies, and professional corporations whose officers, managers, associates, general partners, or members who actively participate in such entity's brokerage, broker-salesperson, or salesperson business present, satisfactory proof to the commission that they[-

~~(1) Are persons of good moral character; and~~

~~(2) Bear a good reputation for honesty, integrity, and fair dealing; and~~

~~(3)~~ are competent to transact the business of a broker or salesperson in such a manner as to safeguard the interest of the public.

2. In order to determine an applicant's qualifications to receive a license under sections 339.010 to 339.180 and sections 339.710 to 339.860, the commission shall hold oral or written examinations at such times and places as the commission may determine.

3. Each applicant for a broker or salesperson license shall be at least eighteen years of age and shall pay the broker examination fee or the salesperson examination fee.

4. Each applicant for a broker license shall be required to have satisfactorily completed the salesperson license examination prescribed by the commission. For the purposes of this section only, the commission may permit a person who is not associated with a licensed broker to take the salesperson examination.

5. Each application for a broker license shall include a certificate from the applicant's broker or brokers that the applicant has been actively engaged in the real estate business as a licensed salesperson for at least two years immediately preceding the date of application, and shall include a certificate from a school accredited by the commission under the provisions of section 339.045 that the applicant has, within six months prior to the date of application, successfully completed the prescribed broker curriculum or broker correspondence course offered by such school, except that the commission may waive all or part of the requirements set forth in this subsection when an applicant presents proof of other educational background or experience acceptable to the commission. Each application for a broker-salesperson license shall include evidence of the current broker license held by the applicant.

6. Each application for a salesperson license shall include a certificate from a school accredited by the commission under the provisions of section 339.045 that the applicant has, within six months prior to the date of application, successfully completed the prescribed salesperson curriculum or salesperson correspondence course offered by such school, except that the commission may waive all or part of the educational requirements set forth in this subsection when an applicant presents proof of other educational background or experience acceptable to the commission.

7. The commission may issue a temporary work permit pending final review and printing of the license to an applicant who appears to have satisfied the requirements for licenses. The commission may, at its discretion, withdraw the work permit at any time.

8. Every active broker, broker-salesperson, salesperson, officer, manager, general partner, member or associate shall provide upon request to the commission evidence that during the two years preceding he or she has completed twelve hours of real estate instruction in courses approved by the commission. The commission may, by rule and regulation, provide for individual waiver of this requirement.

9. Each entity that provides continuing education required under the provisions of subsection 8 of this section may make available instruction courses that the entity conducts through means of distance delivery. The commission shall by rule set standards for such courses. The commission may by regulation require the individual completing such distance-delivered course to complete an examination on the contents of the course. Such examination shall be designed to ensure that the licensee displays adequate knowledge of the subject matter of the course, and shall be designed by the entity producing the course and approved by the commission.

10. In the event of the death or incapacity of a licensed broker, or of one or more of the licensed general partners, officers, managers, members or associates of a real estate partnership, limited partnership, limited liability company, professional corporation, corporation, or association whereby the affairs of the broker, partnership, limited partnership, limited liability company, professional corporation, corporation, or association cannot be carried on, the commission may issue, without examination or fee, to the legal representative or representatives of the deceased or incapacitated individual, or to another individual approved by the commission, a temporary broker license which shall authorize such individual to continue for a period to be designated by the commission to transact business for the sole purpose of winding up the affairs of the broker, partnership, limited partnership,

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limited liability company, professional corporation, corporation, or association under the supervision of the commission.

339.100. INVESTIGATION OF CERTAIN PRACTICES, PROCEDURE — SUBPOENAS — FORMAL COMPLAINTS — REVOCATION OR SUSPENSION OF LICENSES — DIGEST MAY BE PUBLISHED — REVOCATION OF LICENSES FOR CERTAIN OFFENSES. — 1. The commission may, upon its own motion, and shall upon receipt of a written complaint filed by any person, investigate any real estate-related activity of a licensee licensed under sections 339.010 to 339.180 and sections 339.710 to 339.860 or an individual or entity acting as or representing themselves as a real estate licensee. In conducting such investigation, if the questioned activity or written complaint involves an affiliated licensee, the commission may forward a copy of the information received to the affiliated licensee's designated broker. The commission shall have the power to hold an investigatory hearing to determine whether there is a probability of a violation of sections 339.010 to 339.180 and sections 339.710 to 339.860. The commission shall have the power to issue a subpoena to compel the production of records and papers bearing on the complaint. The commission shall have the power to issue a subpoena and to compel any person in this state to come before the commission to offer testimony or any material specified in the subpoena. Subpoenas and subpoenas duces tecum issued pursuant to this section shall be served in the same manner as subpoenas in a criminal case. The fees and mileage of witnesses shall be the same as that allowed in the circuit court in civil cases.

2. The commission may cause a complaint to be filed with the administrative hearing commission as provided by the provisions of chapter 621 against any person or entity licensed under this chapter or any licensee who has failed to renew or has surrendered his or her individual or entity license for any one or any combination of the following acts:

(1) Failure to maintain and deposit in a special account, separate and apart from his or her personal or other business accounts, all moneys belonging to others entrusted to him or her while acting as a real estate broker or as the temporary custodian of the funds of others, until the transaction involved is consummated or terminated, unless all parties having an interest in the funds have agreed otherwise in writing;

(2) Making substantial misrepresentations or false promises or suppression, concealment or omission of material facts in the conduct of his or her business or pursuing a flagrant and continued course of misrepresentation through agents, salespersons, advertising or otherwise in any transaction;

(3) Failing within a reasonable time to account for or to remit any moneys, valuable documents or other property, coming into his or her possession, which belongs to others;

(4) Representing to any lender, guaranteeing agency, or any other interested party, either verbally or through the preparation of false documents, an amount in excess of the true and actual sale price of the real estate or terms differing from those actually agreed upon;

(5) Failure to timely deliver a duplicate original of any and all instruments to any party or parties executing the same where the instruments have been prepared by the licensee or under his or her supervision or are within his or her control, including, but not limited to, the instruments relating to the employment of the licensee or to any matter pertaining to the consummation of a lease, listing agreement or the purchase, sale, exchange or lease of property, or any type of real estate transaction in which he or she may participate as a licensee;

(6) Acting for more than one party in a transaction without the knowledge of all parties for whom he or she acts, or accepting a commission or valuable consideration for services from more than one party in a real estate transaction without the knowledge of all parties to the transaction;

(7) Paying a commission or valuable consideration to any person for acts or services performed in violation of sections 339.010 to 339.180 and sections 339.710 to 339.860;

(8) Guaranteeing or having authorized or permitted any licensee to guarantee future profits which may result from the resale of real property;

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(9) Having been finally adjudicated and been found guilty of the violation of any state or federal statute which governs the sale or rental of real property or the conduct of the real estate business as defined in subsection 1 of section 339.010;

(10) Obtaining a certificate or registration of authority, permit or license for himself or herself or anyone else by false or fraudulent representation, fraud or deceit;

(11) Representing a real estate broker other than the broker with whom associated without the express written consent of the broker with whom associated;

(12) Accepting a commission or valuable consideration for the performance of any of the acts referred to in section 339.010 from any person except the broker with whom associated at the time the commission or valuable consideration was earned;

(13) Using prizes, money, gifts or other valuable consideration as inducement to secure customers or clients to purchase, lease, sell or list property when the awarding of such prizes, money, gifts or other valuable consideration is conditioned upon the purchase, lease, sale or listing; or soliciting, selling or offering for sale real property by offering free lots, or conducting lotteries or contests, or offering prizes for the purpose of influencing a purchaser or prospective purchaser of real property;

(14) Placing a sign on or advertising any property offering it for sale or rent without the written consent of the owner or his or her duly authorized agent;

(15) Violation of, or attempting to violate, directly or indirectly, or assisting or enabling any person to violate, any provision of sections 339.010 to 339.180 and sections 339.710 to 339.860, or of any lawful rule adopted pursuant to sections 339.010 to 339.180 and sections 339.710 to 339.860;

(16) Committing any act which would otherwise be grounds for the commission to refuse to issue a license under section 339.040;

(17) Failure to timely inform seller of all written offers unless otherwise instructed in writing by the seller;

(18) Been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of this state or any other state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated under this chapter, **or** for any offense an essential element of which is fraud, dishonesty or an act of violence, ~~[or for any offense involving moral turpitude,]~~ whether or not sentence is imposed;

(19) Any other conduct which constitutes untrustworthy, improper or fraudulent business dealings, demonstrates bad faith or incompetence, misconduct, or gross negligence;

(20) Disciplinary action against the holder of a license or other right to practice any profession regulated under sections 339.010 to 339.180 and sections 339.710 to 339.860 granted by another state, territory, federal agency, or country upon grounds for which revocation, suspension, or probation is authorized in this state;

(21) Been found by a court of competent jurisdiction of having used any controlled substance, as defined in chapter 195, to the extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by sections 339.010 to 339.180 and sections 339.710 to 339.860;

(22) Been finally adjudged insane or incompetent by a court of competent jurisdiction;

(23) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated under sections 339.010 to 339.180 and sections 339.710 to 339.860 who is not registered and currently eligible to practice under sections 339.010 to 339.180 and sections 339.710 to 339.860;

(24) Use of any advertisement or solicitation which is knowingly false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;

(25) Making any material misstatement, misrepresentation, or omission with regard to any application for licensure or license renewal. As used in this section, "material" means important information about which the commission should be informed and which may influence a licensing decision;

(26) Engaging in, committing, or assisting any person in engaging in or committing mortgage fraud, as defined in section 443.930.

3. After the filing of such complaint, the proceedings will be conducted in accordance with the provisions of law relating to the administrative hearing commission. A finding of the administrative hearing commissioner that the licensee has performed or attempted to perform one or more of the foregoing acts shall be grounds for the suspension or revocation of his license by the commission, or the placing of the licensee on probation on such terms and conditions as the real estate commission shall deem appropriate, or the imposition of a civil penalty by the commission not to exceed two thousand five hundred dollars for each offense. Each day of a continued violation shall constitute a separate offense.

4. The commission may prepare a digest of the decisions of the administrative hearing commission which concern complaints against licensed brokers or salespersons and cause such digests to be mailed to all licensees periodically. Such digests may also contain reports as to new or changed rules adopted by the commission and other information of significance to licensees.

5. Notwithstanding other provisions of this section, a broker or salesperson's license shall be revoked, or in the case of an applicant, shall not be issued, if the licensee or applicant has pleaded guilty to, entered a plea of nolo contendere to, or been found guilty of any of the following offenses or offenses of a similar nature established under the laws of this, any other state, the United States, or any other country, notwithstanding whether sentence is imposed:

(1) Any dangerous felony as defined under section 556.061 or murder in the first degree;

(2) Any of the following sexual offenses: rape in the first degree, forcible rape, rape, statutory rape in the first degree, statutory rape in the second degree, rape in the second degree, sexual assault, sodomy in the first degree, forcible sodomy, statutory sodomy in the first degree, statutory sodomy in the second degree, child molestation in the first degree, child molestation in the second degree, sodomy in the second degree, deviate sexual assault, sexual misconduct involving a child, sexual misconduct in the first degree under section 566.090 as it existed prior to August 28, 2013, sexual abuse under section 566.100 as it existed prior to August 28, 2013, sexual abuse in the first or second degree, enticement of a child, or attempting to entice a child;

(3) Any of the following offenses against the family and related offenses: incest, abandonment of a child in the first degree, abandonment of a child in the second degree, endangering the welfare of a child in the first degree, abuse of a child, using a child in a sexual performance, promoting sexual performance by a child, or trafficking in children;

(4) Any of the following offenses involving child pornography and related offenses: promoting obscenity in the first degree, promoting obscenity in the second degree when the penalty is enhanced to a class E felony, promoting child pornography in the first degree, promoting child pornography in the second degree, possession of child pornography in the first degree, possession of child pornography in the second degree, furnishing child pornography to a minor, furnishing pornographic materials to minors, or coercing acceptance of obscene material; and

(5) Mortgage fraud as defined in section 570.310.

6. A person whose license was revoked under subsection 5 of this section may appeal such revocation to the administrative hearing commission. Notice of such appeal must be received by the administrative hearing commission within ninety days of mailing, by certified mail, the notice of revocation. Failure of a person whose license was revoked to notify the administrative hearing commission of his or her intent to appeal waives all rights to appeal the revocation. Upon notice of such person's intent to appeal, a hearing shall be held before the administrative hearing commission.

339.511. CLASSIFICATIONS OF CERTIFICATION AND LICENSURE FOR APPRAISERS AND MANAGEMENT COMPANIES — APPLICATION — QUALIFICATIONS — CONTINUING EDUCATION REQUIREMENTS. — 1. There shall be six classes of licensure for individuals including:

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- (1) State-licensed appraiser trainee;
 - (2) State-licensed real estate appraiser;
 - (3) State-certified residential appraiser trainee;
 - (4) State-certified residential real estate appraiser;
 - (5) State-certified general appraiser trainee; and
 - (6) State-certified general real estate appraiser.
2. There shall be one class of license for appraisal management companies.

3. Persons desiring to obtain licensure as a state-licensed appraiser trainee, state-licensed real estate appraiser, state-certified residential appraiser trainee, certification as a state-certified residential real estate appraiser, state-certified general appraiser trainee, or state-certified general real estate appraiser shall make written application to the commission on such forms as are prescribed by the commission setting forth the applicant's qualifications for licensure or certification ~~and present to the commission satisfactory proof that the person is of good moral character and bears a good reputation for honesty, integrity and fair dealing~~.

4. Each applicant for licensure as a state-licensed appraiser trainee, state-licensed real estate appraiser, a state-certified residential appraiser trainee, a state-certified residential real estate appraiser, a state-certified general appraiser trainee, or a state-certified general real estate appraiser shall have demonstrated the knowledge and competence necessary to perform appraisals of residential and other real estate as the commission may prescribe by rule not inconsistent with any requirements imposed by the appraiser qualifications board. The commission shall prescribe by rule procedures for obtaining and maintaining approved courses of instruction. The commission shall, also, prescribe the hours of training in real estate appraisal practices and the minimum level of experience acceptable for licensure or certification.

5. Persons who receive certification after March 30, 1991, or who have a state license or certificate to engage in business as a real estate appraiser issued by the commission, shall receive the same license or certificate from the commission as such persons are currently holding without further education, experience, examination or application fee, but shall be required to meet all continuing education requirements prescribed by the commission.

6. Appraisal management companies desiring to obtain licensure shall:

- (1) Make application to the commission on such forms as are prescribed by the commission setting forth the applicant's qualifications for licensure;
- (2) Remit the fee or fees as established by rule; **and**
- (3) Post with the commission and maintain on renewal a surety bond in the amount of twenty thousand dollars as further promulgated by rule; ~~and~~
- ~~(4) Submit to the commission satisfactory proof that any controlling person, defined in section 339.503, is of good moral character and bears a good reputation for honesty, integrity, and fair dealing.~~

339.532. REFUSAL TO ISSUE OR RENEW CERTIFICATE OR LICENSE, PROCEDURE, HEARING, GROUNDS FOR REFUSAL, PENALTIES — REVOCATION, WHEN, APPEAL — RECERTIFICATION OR RELICENSURE, EXAMINATION REQUIRED. — 1. The commission may refuse to issue or renew any certificate or license issued pursuant to sections 339.500 to 339.549 for one or any combination of causes stated in subsection 2 of this section. The commission shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the right to file a complaint with the administrative hearing commission as provided by chapter 621.

2. The commission may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any state-certified real estate appraiser, state-licensed real estate appraiser, state-licensed appraiser trainee, state-certified residential appraiser trainee, state-certified general appraiser trainee, state-licensed appraisal management company that is a legal entity other than a natural person, any person who is a controlling person as defined in this chapter, or any person who

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has failed to renew or has surrendered his or her certificate or license for any one or any combination of the following causes:

- (1) Procuring or attempting to procure a certificate or license pursuant to section 339.513 by knowingly making a false statement, submitting false information, refusing to provide complete information in response to a question in an application for certification or licensure, or through any form of fraud or misrepresentation;
- (2) Failing to meet the minimum qualifications for certification or licensure or renewal established by sections 339.500 to 339.549;
- (3) Paying money or other valuable consideration, other than as provided by section 339.513, to any member or employee of the commission to procure a certificate or license pursuant to sections 339.500 to 339.549;
- (4) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state ~~[or]~~ **, of the United States, or of any country,** for any offense ~~[reasonably]~~ **directly** related to the ~~[qualifications, functions or]~~ duties ~~[of any profession licensed or regulated pursuant to sections 339.500 to 339.549 for any offense of which an essential element is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude,]~~ **and responsibilities of the occupation, as set forth in section 324.012, regardless of** whether or not sentence is imposed;
- (5) Incompetency, misconduct, gross negligence, dishonesty, fraud, or misrepresentation in the performance of the functions or duties of any profession licensed or regulated by sections 339.500 to 339.549;
- (6) Violation of any of the standards for the development or communication of real estate appraisals as provided in or pursuant to sections 339.500 to 339.549;
- (7) Failure to comply with the Uniform Standards of Professional Appraisal Practice promulgated by the appraisal standards board of the appraisal foundation;
- (8) Failure or refusal without good cause to exercise reasonable diligence in developing an appraisal, preparing an appraisal report, or communicating an appraisal;
- (9) Negligence or incompetence in developing an appraisal, in preparing an appraisal report, or in communicating an appraisal;
- (10) Violating, assisting or enabling any person to willfully disregard any of the provisions of sections 339.500 to 339.549 or the regulations of the commission for the administration and enforcement of the provisions of sections 339.500 to 339.549;
- (11) Accepting an appraisal assignment when the employment itself is contingent upon the appraiser's reporting a predetermined analysis or opinion or where the fee to be paid for the performance of the appraisal assignment is contingent upon the opinion, conclusion, or valuation reached or upon the consequences resulting from the appraisal assignment;
- (12) Violating the confidential nature of governmental records to which the person gained access through employment or engagement to perform an appraisal assignment or specialized appraisal services for a governmental agency;
- (13) Violating any term or condition of a certificate or license issued by the commission pursuant to the authority of sections 339.500 to 339.549;
- (14) Violation of any professional trust or confidence;
- (15) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;
- (16) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by sections 339.500 to 339.549 who is not licensed or certified and currently eligible to practice pursuant to sections 339.500 to 339.549;
- (17) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;

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(18) Disciplinary action against the holder of a license, certificate or other right to practice any profession regulated pursuant to sections 339.500 to 339.549, imposed by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;

(19) Making any material misstatement, misrepresentation, or omission with regard to any application for licensure or certification, or for license or certification renewal. As used in this section, "material" means important information about which the commission should be informed and which may influence a licensing decision;

(20) Engaging in or committing, or assisting any person in engaging in or committing, any practice or act of mortgage fraud, as defined in section 443.930;

(21) Influencing or attempting to influence the development, reporting, or review of an appraisal through coercion, extortion, collusion, compensation, instruction, inducement, intimidation, or bribery.

3. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the commission may, singly or in combination, publicly censure or place the person named in the complaint on probation on such terms and conditions as the commission deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke, the certificate or license. The holder of a certificate or license, or the legal entity and any controlling person in the case of an appraisal management company, revoked pursuant to this section may not obtain certification as a state-certified real estate appraiser, licensure as a state-licensed real estate appraiser, or licensure as an appraisal management company for at least five years after the date of revocation.

4. Notwithstanding other provisions of this section, a real estate appraiser license or certification or an appraisal management company license shall be revoked, or in the case of an applicant, shall not be issued, if the licensee or applicant, or any controlling person in the case of an appraisal management company, has ~~pleaded guilty to,~~ **been finally adjudicated and found guilty, or has** entered a plea of nolo contendere ~~[to, or been found guilty of mortgage fraud as defined in section 570.310]~~ **, in a criminal prosecution under the laws of any state, of the United States, or of any country, for any offense directly related to the duties and responsibilities of the occupation, as set forth in section 324.012, regardless of whether or not sentence is imposed.** The commission shall notify the individual or legal entity of the reasons for the revocation in writing, by certified mail.

5. A person, or the legal entity or controlling person in the case of an appraisal management company, whose license is revoked under subsection 4 of this section may appeal such revocation to the administrative hearing commission, as provided by chapter 621, within ninety days from the time the commission mails the notice of revocation. A person who fails to do so waives all rights to appeal the revocation.

6. A certification of a state-certified real estate appraiser, a license of a state-licensed real estate appraiser, or a license of an appraisal management company that has been suspended as a result of disciplinary action by the commission shall not be reinstated, and a person, controlling person, or legal entity may not obtain certification as a state-certified real estate appraiser, licensure as a state-licensed real estate appraiser, or licensure as an appraisal management company subsequent to revocation, unless the applicant presents evidence of completion of the continuing education required by section 339.530 during the period of suspension or revocation as well as fulfillment of any other conditions imposed by the commission. Applicants for recertification, relicensure or reinstatement also shall be required to successfully complete the examination for original certification or licensure required by section 339.515 as a condition to reinstatement of certification or licensure, or recertification or relicensure subsequent to revocation.

344.030. LICENSE, QUALIFICATIONS, FEE, EXAMINATION, TERM — EMERGENCY LICENSE.

— 1. An applicant for an initial license shall file a completed application with the board on a form

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provided by the board, accompanied by an application fee as provided by rule payable to the department of health and senior services. Information provided in the application shall be attested by signature to be true and correct to the best of the applicant's knowledge and belief.

2. No initial license shall be issued to a person as a nursing home administrator unless:

(1) The applicant provides the board satisfactory proof that the applicant is ~~[of good moral character and]~~ a high school graduate or equivalent;

(2) The applicant provides the board satisfactory proof that the applicant has had a minimum of three years' experience in health care administration or two years of postsecondary education in health care administration or has satisfactorily completed a course of instruction and training prescribed by the board, which includes instruction in the needs properly to be served by nursing homes, the protection of the interests of residents therein, and the elements of good nursing home administration, or has presented evidence satisfactory to the board of sufficient education, training, or experience in the foregoing fields to administer, supervise and manage a nursing home; and

(3) The applicant passes the examinations administered by the board. If an applicant fails to make a passing grade on either of the examinations such applicant may make application for reexamination on a form furnished by the board and may be retested. If an applicant fails either of the examinations a third time, the applicant shall be required to complete a course of instruction prescribed and approved by the board. After completion of the board-prescribed course of instruction, the applicant may reapply for examination. With regard to the national examination required for licensure, no examination scores from other states shall be recognized by the board after the applicant has failed his or her third attempt at the national examination. There shall be a separate, nonrefundable fee for each examination. The board shall set the amount of the fee for examination by rules and regulations promulgated pursuant to section 536.021. The fee shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering the examination.

3. Nothing in sections 344.010 to 344.108, or the rules or regulations thereunder shall be construed to require an applicant for a license as a nursing home administrator, who is employed by an institution listed and certified by the Commission for Accreditation of Christian Science Nursing Organizations/Facilities, Inc., to administer institutions certified by such commission for the care and treatment of the sick in accordance with the creed or tenets of a recognized church or religious denomination, to demonstrate proficiency in any techniques or to meet any educational qualifications or standards not in accord with the remedial care and treatment provided in such institutions. The applicant's license shall be endorsed to confine the applicant's practice to such institutions.

4. The board may issue a temporary emergency license for a period not to exceed ninety days to a person twenty-one years of age or over ~~[of good moral character]~~ and a high school graduate or equivalent to serve as an acting nursing home administrator, provided such person is replacing a licensed nursing home administrator who has died, has been removed or has vacated the nursing home administrator's position. No temporary emergency license may be issued to a person who has had a nursing home administrator's license denied, suspended or revoked. A temporary emergency license may be renewed for one additional ninety-day period upon a showing that the person seeking the renewal of a temporary emergency license meets the qualifications for licensure and has filed an application for a regular license, accompanied by the application fee, and the applicant has taken the examination or examinations but the results have not been received by the board. No temporary emergency license may be renewed more than one time.

344.050. SUSPENSION — REVOCATION — PROBATION — REFUSAL TO ISSUE OR RENEW LICENSE — GROUNDS — PROCEDURE — RIGHT OF REVIEW BY ADMINISTRATIVE HEARING COMMISSION. — 1. The board may refuse to issue or renew any certificate of registration or authority, permit or license required pursuant to this chapter for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal

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and shall advise the applicant of his or her right to file a complaint with the administrative hearing commission as provided by chapter 621. As an alternative to refusal to issue or renew any certificate, registration or authority, permit or license, the board may, at its discretion, issue a license which is subject to probation for any one or any combination of causes stated in subsection 2 of this section. The board's order of probation shall contain a statement of the discipline imposed, the basis therefor, the date such action shall become effective, and a statement that the applicant has thirty days to request in writing a hearing before the administrative hearing commission. If the board issues a probationary license to an applicant for licensure, the applicant may file a written petition with the administrative hearing commission within thirty days of the effective date of the probationary license seeking review of whether cause exists to discipline the licensee under subsection 2 of this section. If no written request for a hearing is received by the administrative hearing commission within the thirty-day period, the right to seek review of the board's decision shall be waived.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered his or her certificate of registration or authority, permit or license for any one or any combination of the following causes:

(1) Use or unlawful possession of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by this chapter;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, ~~[pursuant to]~~ **in a criminal prosecution under the laws of any state [or], of the United States, or of any country,** for any offense ~~[reasonably]~~ **directly** related to the ~~[qualifications, functions or] duties [of any profession licensed or regulated under this chapter, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude,]~~ **and responsibilities of the occupation, as set forth in section 324.012, regardless of** whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of registration or authority, permit or license issued pursuant to this chapter or in obtaining permission to take any examination given or required pursuant to this chapter;

(4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of any profession licensed or regulated by this chapter;

(6) Violation of, or assisting or enabling any person to violate, any provision of this chapter, or of any lawful rule or regulation adopted pursuant to this chapter;

(7) Violation of, or assisting or enabling any person to violate, any provision of chapter 198 or any lawful rule or regulation promulgated thereunder;

(8) Impersonation of any person holding a certificate of registration or authority, permit or license, or allowing any person to use such person's certificate of registration or authority, permit, license or diploma from any school;

(9) Disciplinary action against the holder of a license or other right to practice any profession regulated by this chapter granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;

(10) A person is finally adjudged incapacitated or disabled by a court of competent jurisdiction;

(11) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by this chapter who is not registered and currently eligible to practice under this chapter;

(12) Issuance of a certificate of registration or authority, permit or license based upon a material mistake of fact;

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(13) Violation of the drug laws or rules and regulations of this state, any other state or the federal government;

(14) Knowingly failing to report abuse or neglect of a resident in a long-term care facility, as required by section 198.070, of which he or she has actual knowledge that it is abuse or neglect;

(15) Violation of any professional trust or confidence;

(16) Having served as the administrator, operator, or any principal involved in the operation of a facility licensed under chapter 198 and during such time the facility has had its license revoked under section 198.036, has entered into a consent agreement to obtain a probationary license under subsection 5 of section 198.026, has had a license denied under subsection 2 of section 198.022, or has surrendered its license while under investigation.

3. The administrative hearing commission shall have no authority to require issuance of a license, pending a final determination by the commission, in any case in which an applicant is seeking initial licensure.

4. No license may be suspended or revoked and no application for renewal of a license may be denied under this section until the licensee has been afforded an opportunity for hearing after due notice as provided in sections 621.015 to 621.205.

5. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the board may, singly or in combination, censure or place the person named in the complaint on probation on such terms as the board deems appropriate, or may suspend or revoke the certificate, permit or license. The board may exclude any application for up to five years for any person who has had his or her license revoked by the board or has surrendered his or her license to the board.

345.015. DEFINITIONS. — As used in sections 345.010 to 345.080, the following terms mean:

(1) "Audiologist", a person who is licensed as an audiologist pursuant to sections 345.010 to 345.080 to practice audiology;

(2) "Audiology aide", a person who is registered as an audiology aide by the board, who does not act independently but works under the direction and supervision of a licensed audiologist. Such person assists the audiologist with activities which require an understanding of audiology but do not require formal training in the relevant academics. To be eligible for registration by the board, each applicant shall submit a registration fee ~~[-, be of good moral and ethical character,]~~ and:

(a) Be at least eighteen years of age;

(b) Furnish evidence of the person's educational qualifications which shall be at a minimum:

a. Certification of graduation from an accredited high school or its equivalent; and

b. On-the-job training;

(c) Be employed in a setting in which direct and indirect supervision are provided on a regular and systematic basis by a licensed audiologist.

However, the aide shall not administer or interpret hearing screening or diagnostic tests, fit or dispense hearing instruments, make ear impressions, make diagnostic statements, determine case selection, present written reports to anyone other than the supervisor without the signature of the supervisor, make referrals to other professionals or agencies, use a title other than audiology aide, develop or modify treatment plans, discharge clients from treatment or terminate treatment, disclose clinical information, either orally or in writing, to anyone other than the supervising audiologist, or perform any procedure for which he or she is not qualified, has not been adequately trained or both;

(3) "Board", the state board of registration for the healing arts;

(4) "Commission", the advisory commission for speech-language pathologists and audiologists;

(5) "Hearing instrument" or "hearing aid", any wearable device or instrument designed for or offered for the purpose of aiding or compensating for impaired human hearing and any parts, attachments or accessories, including ear molds, but excluding batteries, cords, receivers and repairs;

(6) "Person", any individual, organization, or corporate body, except that only individuals may be licensed pursuant to sections 345.010 to 345.080;

(7) "Practice of audiology":

(a) The application of accepted audiologic principles, methods and procedures for the measurement, testing, interpretation, appraisal and prediction related to disorders of the auditory system, balance system or related structures and systems;

(b) Provides consultation or counseling to the patient, client, student, their family or interested parties;

(c) Provides academic, social and medical referrals when appropriate;

(d) Provides for establishing goals, implementing strategies, methods and techniques, for habilitation, rehabilitation or aural rehabilitation, related to disorders of the auditory system, balance system or related structures and systems;

(e) Provides for involvement in related research, teaching or public education;

(f) Provides for rendering of services or participates in the planning, directing or conducting of programs which are designed to modify audition, communicative, balance or cognitive disorder, which may involve speech and language or education issues;

(g) Provides and interprets behavioral and neurophysiologic measurements of auditory balance, cognitive processing and related functions, including intraoperative monitoring;

(h) Provides involvement in any tasks, procedures, acts or practices that are necessary for evaluation of audition, hearing, training in the use of amplification or assistive listening devices;

(i) Provides selection, assessment, fitting, programming, and dispensing of hearing instruments, assistive listening devices, and other amplification systems;

(j) Provides for taking impressions of the ear, making custom ear molds, ear plugs, swim molds and industrial noise protectors;

(k) Provides assessment of external ear and cerumen management;

(l) Provides advising, fitting, mapping assessment of implantable devices such as cochlear or auditory brain stem devices;

(m) Provides information in noise control and hearing conservation including education, equipment selection, equipment calibration, site evaluation and employee evaluation;

(n) Provides performing basic speech-language screening test;

(o) Provides involvement in social aspects of communication, including challenging behavior and ineffective social skills, lack of communication opportunities;

(p) Provides support and training of family members and other communication partners for the individual with auditory balance, cognitive and communication disorders;

(q) Provides aural rehabilitation and related services to individuals with hearing loss and their families;

(r) Evaluates, collaborates and manages audition problems in the assessment of the central auditory processing disorders and providing intervention for individuals with central auditory processing disorders;

(s) Develops and manages academic and clinical problems in communication sciences and disorders;

(t) Conducts, disseminates and applies research in communication sciences and disorders;

(8) "Practice of speech-language pathology":

(a) Provides screening, identification, assessment, diagnosis, treatment, intervention, including but not limited to prevention, restoration, amelioration and compensation, and follow-up services for disorders of:

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- a. Speech: articulation, fluency, voice, including respiration, phonation and resonance;
- b. Language, involving the parameters of phonology, morphology, syntax, semantics and pragmatic; and including disorders of receptive and expressive communication in oral, written, graphic and manual modalities;
- c. Oral, pharyngeal, cervical esophageal and related functions, such as dysphagia, including disorders of swallowing and oral functions for feeding; orofacial myofunctional disorders;
- d. Cognitive aspects of communication, including communication disability and other functional disabilities associated with cognitive impairment;
- e. Social aspects of communication, including challenging behavior, ineffective social skills, lack of communication opportunities;
- (b) Provides consultation and counseling and makes referrals when appropriate;
- (c) Trains and supports family members and other communication partners of individuals with speech, voice, language, communication and swallowing disabilities;
- (d) Develops and establishes effective augmentative and alternative communication techniques and strategies, including selecting, prescribing and dispensing of augmentative aids and devices; and the training of individuals, their families and other communication partners in their use;
- (e) Selects, fits and establishes effective use of appropriate prosthetic/adaptive devices for speaking and swallowing, such as tracheoesophageal valves, electrolarynges, or speaking valves;
- (f) Uses instrumental technology to diagnose and treat disorders of communication and swallowing, such as videofluoroscopy, nasendoscopy, ultrasonography and stroboscopy;
- (g) Provides aural rehabilitative and related counseling services to individuals with hearing loss and to their families;
- (h) Collaborates in the assessment of central auditory processing disorders in cases in which there is evidence of speech, language or other cognitive communication disorders; provides intervention for individuals with central auditory processing disorders;
- (i) Conducts pure-tone air conduction hearing screening and screening tympanometry for the purpose of the initial identification or referral;
- (j) Enhances speech and language proficiency and communication effectiveness, including but not limited to accent reduction, collaboration with teachers of English as a second language and improvement of voice, performance and singing;
- (k) Trains and supervises support personnel;
- (l) Develops and manages academic and clinical programs in communication sciences and disorders;
- (m) Conducts, disseminates and applies research in communication sciences and disorders;
- (n) Measures outcomes of treatment and conducts continuous evaluation of the effectiveness of practices and programs to improve and maintain quality of services;
- (9) "Speech-language pathologist", a person who is licensed as a speech-language pathologist pursuant to sections 345.010 to 345.080; who engages in the practice of speech-language pathology as defined in sections 345.010 to 345.080;
- (10) "Speech-language pathology aide", a person who is registered as a speech-language aide by the board, who does not act independently but works under the direction and supervision of a licensed speech-language pathologist. Such person assists the speech-language pathologist with activities which require an understanding of speech-language pathology but do not require formal training in the relevant academics. To be eligible for registration by the board, each applicant shall submit a registration fee; ~~be of good moral and ethical character;~~ and:
 - (a) Be at least eighteen years of age;
 - (b) Furnish evidence of the person's educational qualifications which shall be at a minimum:
 - a. Certification of graduation from an accredited high school or its equivalent; and
 - b. On-the-job training;

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(c) Be employed in a setting in which direct and indirect supervision is provided on a regular and systematic basis by a licensed speech-language pathologist.

However, the aide shall not administer or interpret hearing screening or diagnostic tests, fit or dispense hearing instruments, make ear impressions, make diagnostic statements, determine case selection, present written reports to anyone other than the supervisor without the signature of the supervisor, make referrals to other professionals or agencies, use a title other than speech-language pathology aide, develop or modify treatment plans, discharge clients from treatment or terminate treatment, disclose clinical information, either orally or in writing, to anyone other than the supervising speech-language pathologist, or perform any procedure for which he or she is not qualified, has not been adequately trained or both;

(11) "Speech-language pathology assistant", a person who is registered as a speech-language pathology assistant by the board, who does not act independently but works under the direction and supervision of a licensed speech-language pathologist practicing for at least one year or speech-language pathologist practicing under subdivision (1) or (6) of subsection 1 of section 345.025 for at least one year and whose activities require both academic and practical training in the field of speech-language pathology although less training than those established by sections 345.010 to 345.080 as necessary for licensing as a speech-language pathologist. To be eligible for registration by the board, each applicant shall submit the registration fee, supervising speech-language pathologist information if employment is confirmed, if not such information shall be provided after registration, ~~[be of good moral character]~~ and furnish evidence of the person's educational qualifications which meet the following:

(a) Hold a bachelor's level degree from an institution accredited or approved by a regional accrediting body recognized by the United States Department of Education or its equivalent; and

(b) Submit official transcripts from one or more accredited colleges or universities presenting evidence of the completion of bachelor's level course work and requirements in the field of speech-language pathology as established by the board through rules and regulations;

(c) Submit proof of completion of the number and type of clinical hours as established by the board through rules and regulations.

345.050. REQUIREMENTS TO BE MET FOR LICENSE. — 1. To be eligible for licensure by the board by examination, each applicant shall submit the application fee and shall furnish evidence of such person's ~~[good moral and ethical character]~~ current competence and shall:

(1) Hold a master's or a doctoral degree from a program accredited by the Council on Academic Accreditation of the American Speech-Language-Hearing Association or other accrediting agency approved by the board in the area in which licensure is sought;

(2) Submit official transcripts from one or more accredited colleges or universities presenting evidence of the completion of course work and clinical practicum requirements equivalent to that required by the Council on Academic Accreditation of the American Speech-Language-Hearing Association or other accrediting agency approved by the board; and

(3) Pass an examination promulgated or approved by the board. The board shall determine the subject and scope of the examinations.

2. To be eligible for licensure by the board without examination, each applicant shall make application on forms prescribed by the board, submit the application fee ~~[and shall be of good moral and ethical character]~~, submit an activity statement and meet one of the following requirements:

(1) The board shall issue a license to any speech-language pathologist or audiologist who is licensed in another country and who has had no violations, suspension or revocations of a license to practice speech-language pathology or audiology in any jurisdiction; provided that, such person is licensed in a country whose requirements are substantially equal to, or greater than, Missouri at the time the applicant applies for licensure; or

(2) Hold the certificate of clinical competence issued by the American Speech-Language-Hearing Association in the area in which licensure is sought.

345.065. DENIAL, REVOCATION OR SUSPENSION OF LICENSE OR REGISTRATION, GROUNDS

FOR. — 1. The board may refuse to issue any certificate of registration or authority, permit or license required pursuant to sections 345.010 to 345.080 for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant's right to file a complaint with the administrative hearing commission as provided by chapter 621. As an alternative to a refusal to issue or renew any certificate, registration or authority, the board may, at its discretion, issue a license or registration which is subject to probation, restriction or limitation to an applicant for licensure or registration for any one or any combination of causes stated in subsection 2 of this section. The board's order of probation, limitation or restriction shall contain a statement of the discipline imposed, the basis therefor, the date such action shall become effective and a statement that the applicant has thirty days to request in writing a hearing before the administrative hearing commission. If the board issues a probationary, limited or restricted license or registration to an applicant for licensure or registration, either party may file a written petition with the administrative hearing commission within thirty days of the effective date of the probationary, limited or restricted license or registration seeking review of the board's determination. If no written request for a hearing is received by the administrative hearing commission within the thirty-day period, the right to seek review of the board's decision shall be considered as waived.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate of registration or authority, permit or license required by sections 345.010 to 345.080 or any person who has failed to renew or has surrendered the person's certificate of registration or authority, permit or license for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by sections 345.010 to 345.080;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state ~~[or]~~, of the United States, **or of any country**, for any offense ~~[reasonably]~~ **directly** related to the ~~[qualifications, functions or]~~ duties ~~[of any profession licensed or regulated pursuant to sections 345.010 to 345.080, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude,]~~ **and responsibilities of the occupation, as set forth in section 324.012, regardless of** whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of registration or authority, permit or license issued pursuant to sections 345.010 to 345.080 or in obtaining permission to take any examination given or required pursuant to sections 345.010 to 345.080;

(4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of any profession licensed or regulated by sections 345.010 to 345.080;

(6) Violation of, or assisting or enabling any person to violate, any provision of sections 345.010 to 345.080, or of any lawful rule or regulation adopted pursuant to sections 345.010 to 345.080;

(7) Impersonation of any person holding a certificate of registration or authority, permit or license or allowing any person to use his or her certificate of registration or authority, permit, license or diploma from any school;

(8) Disciplinary action against the holder of a license or other right to practice any profession regulated by sections 345.010 to 345.080 granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;

(9) A person is finally adjudged insane or incompetent by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by sections 345.010 to 345.080 who is not registered and currently eligible to practice pursuant to sections 345.010 to 345.080;

(11) Issuance of a certificate of registration or authority, permit or license based upon a material mistake of fact;

(12) Failure to display a valid certificate or license if so required by sections 345.010 to 345.080 or any rule promulgated pursuant to sections 345.010 to 345.080;

(13) Violation of any professional trust or confidence;

(14) Fraudulently or deceptively using a license, provisional license or registration;

(15) Altering a license, provisional license or registration;

(16) Willfully making or filing a false report or record in the practice of speech-language pathology or audiology;

(17) Using or promoting or causing the use of any misleading, deceiving, improbable or untruthful advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia or any other representation;

(18) Falsely representing the use or availability of services or advice of a physician;

(19) Misrepresenting the applicant, licensee or holder by using the word doctor or any similar word, abbreviation or symbol if the use is not accurate or if the degree was not obtained from a regionally accredited institution;

(20) Committing any act of dishonorable, immoral or unprofessional conduct while engaging in the practice of speech-language pathology or audiology;

(21) Providing services or promoting the sale of devices, appliances or products to a person who cannot reasonably be expected to benefit from such services, devices, appliances or products.

3. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the board may, singly or in combination, censure or place the person named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed ten years, or may suspend, for a period not to exceed three years, or restrict or limit the person's ability to practice for an indefinite period of time, or revoke the license or registration.

4. The board may apply for relief by injunction, without bond, to restrain any person, partnership or corporation from engaging in any act or practice which constitutes an offense pursuant to sections 345.010 to 345.080. The board does not need to allege and prove that there is no adequate remedy at law to obtain an injunction. The members of the board and the advisory commission shall not be individually liable for applying for such relief.

346.055. REQUIREMENTS FOR LICENSURE. — 1. An applicant may obtain a license provided the applicant:

(1) Is at least eighteen years of age; and

(2) ~~Is of good moral character; and~~

~~(3)~~ Successfully passes a qualifying examination as described under sections 346.010 to 346.250; and

~~(4)~~ (3) (a) Holds an associate's degree or higher, from a state or regionally accredited institution of higher education, in hearing instrument sciences; or

(b) Holds an associate's level degree or higher, from a state or regionally accredited institution of higher education and submits proof of completion of the International Hearing Society's Distance Learning for Professionals in Hearing Health Sciences Course; or

(c) Holds a master's or doctoral degree in audiology from a state or regionally accredited institution; or

(d) Holds a current, unsuspended, unrevoked license from another country if the standards for licensing in such country, as determined by the board, are substantially equivalent to or exceed those required in paragraph (a) or (b) of this subdivision; or

(e) Holds a current, unsuspended, unrevoked license from another country, has been actively practicing as a licensed hearing aid fitter or dispenser in another country for no less than forty-eight of the last seventy-two months, and submits proof of completion of advance certification from either the International Hearing Society or the National Board for Certification in Hearing Instrument Sciences.

2. The provisions of subsection 1 of this section shall not apply to any person holding a valid Missouri hearing instrument specialist license under this chapter when applying for the renewal of that license. These provisions shall apply to any person holding a hearing instrument specialist-in-training permit at the time of their application for licensure or renewal of said permit.

3. (1) The board shall promulgate reasonable standards and rules for the evaluation of applicants for purposes of determining the course of instruction and training required of each applicant for a hearing instrument specialist license under the requirement of subdivision (4) of subsection 1 of this section.

(2) Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

346.105. DENIAL, REVOCATION, OR SUSPENSION OF LICENSE, GROUNDS FOR. — 1. The board may refuse to issue any certificate of registration or authority, permit or license required pursuant to this chapter, upon recommendation of the board, for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of the applicant's right to file a complaint with the administrative hearing commission as provided by chapter 621.

2. The division may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate of registration or authority, permit or license required by this chapter or against any person who has failed to renew or has surrendered such person's certificate of registration or authority, permit or license for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by this chapter;

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state ~~[or]~~, of the United States, **or of any country**, for any offense ~~[reasonably]~~ **directly** related to the ~~[qualification, functions or]~~ duties ~~[of any profession licensed or regulated under this chapter, for any offense an essential element of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude,]~~ **and responsibilities of the occupation, as set forth in section 324.012, regardless of** whether or not sentence is imposed;

(3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of registration or authority, permit or license issued pursuant to this chapter or in obtaining permission to take any examination given or required pursuant to this chapter;

(4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of any profession licensed or regulated by this chapter;

(6) Violation of, or assisting or enabling any person to violate, any provision of this chapter, or of any lawful rule or regulation adopted pursuant to this chapter;

(7) Impersonation of any person holding a certificate of registration or authority, permit or license or allowing any person to use his or her certificate of registration or authority, permit, license or diploma from any school;

(8) Disciplinary action against the holder of a license or other right to practice any profession regulated by this chapter granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;

(9) A person is finally adjudged insane or incompetent by a court of competent jurisdiction;

(10) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by this chapter who is not registered and currently eligible to practice under this chapter;

(11) Issuance of a certificate of registration or authority, permit or license based upon a material mistake of fact;

(12) Failure to display a valid certificate or license if so required by this chapter or any rule promulgated hereunder;

(13) Violation of any professional trust or confidence;

(14) Use of any advertisement or solicitation which is false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;

(15) Representing that the service or advice of a person licensed as a physician pursuant to chapter 334 will be used or made available in the selection, fitting, adjustment, maintenance or repair of hearing instruments when that is not true, or using the words "doctor", "clinic", "clinical audiologist", "state-licensed clinic", "state registered", "state certified", or "state approved" or any other term, abbreviation, or symbol when it would falsely give the impression that service is being provided by physicians licensed pursuant to chapter 334, or by audiologists licensed pursuant to chapter 345, or that the licensee's service has been recommended by the state when such is not the case.

436.230. CERTIFICATE OF REGISTRATION ISSUED, WHEN — REFUSAL TO ISSUE, WHEN. —

1. Except as otherwise provided in subsection 2 of this section, the director shall issue a certificate of registration to an individual who complies with section 436.227.

2. The director may refuse to issue a certificate of registration if the director determines that the applicant has engaged in conduct that has a significant adverse effect on the applicant's fitness to serve as an athlete agent. In making the determination, the director may consider whether the applicant has:

(1) Been ~~convicted of a crime that if committed in this state would be a felony or other crime involving moral turpitude~~ **finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state, of the United States, or of any country, for any offense directly related to the duties and responsibilities of the occupation, as set forth in section 324.012, regardless of whether or not sentence is imposed;**

(2) Made a materially false, misleading, deceptive, or fraudulent representation as an athlete agent or in the application;

(3) Engaged in conduct that would disqualify the applicant from serving in a fiduciary capacity;

(4) Engaged in conduct prohibited by section 436.254;

(5) Had a registration or licensure as an athlete agent suspended, revoked, or denied or been refused renewal of registration or licensure in any state;

(6) Engaged in conduct or failed to engage in conduct the consequence of which was that a sanction, suspension, or declaration of ineligibility to participate in an interscholastic or intercollegiate athletic event was imposed on a student athlete or educational institution; or

(7) Engaged in conduct that significantly adversely reflects on the applicant's credibility, honesty, or integrity.

3. In making a determination under subsection 3 of this section, the director shall consider:

(1) How recently the conduct occurred;

(2) The nature of the conduct and the context in which it occurred; and

(3) Any other relevant conduct of the applicant.

4. An athlete agent may apply to renew a registration by submitting an application for renewal in a form prescribed by the director. The application for renewal must be signed by the applicant under penalty of perjury under section 575.040 and shall contain current information on all matters required in an original registration.

5. A certificate of registration or a renewal of a registration is valid for two years.

~~§324.009. — LICENSURE RECIPROCITY — DEFINITIONS — REQUIREMENTS —~~

~~INAPPLICABILITY, WHEN. —~~ 1. For purposes of this section, the following terms mean:

(1) "License", a license, certificate, registration, permit, or accreditation that enables a person to legally practice an occupation or profession in a particular jurisdiction; except that "license" shall not include a certificate of license to teach in public schools under section 168.021;

(2) **~~"Nonresident military spouse", a nonresident spouse of an active duty member of the Armed Forces of the United States who has been transferred or is scheduled to be transferred to the state of Missouri, or who has been transferred or is scheduled to be transferred to an adjacent state and is or will be domiciled in the state of Missouri, or has moved to the state of Missouri on a permanent change of station basis;~~**

(3) "Oversight body", any board, department, agency, or office of a jurisdiction that issues licenses; except, for the purposes of this section, oversight body shall not include the state board of registration for the healing arts, the state board of nursing, the board of pharmacy, the state committee of psychologists, the Missouri dental board, the Missouri board for architects, professional engineers, professional land surveyors and professional landscape architects, the state board of optometry, or the Missouri veterinary medical board;

(4) **~~"Resident military spouse", a spouse of an active duty member of the Armed Forces of the United States who has been transferred or is scheduled to be transferred to the state of Missouri or an adjacent state and who is a permanent resident of the state of Missouri, who is domiciled in the state of Missouri, or who has Missouri as his or her home of record.~~**

2. Any **~~person who is a resident of Missouri, a resident military spouse, or a nonresident military spouse and who holds a valid current license issued by another state, territory of the United States, or the District of Columbia may submit an application for a license in Missouri in the same occupation or profession for which he or she holds the current license, along with proof of current licensure in [the] all other [jurisdiction] jurisdictions, to the relevant oversight body in this state.~~**

3. The oversight body in this state shall **~~;~~**

(1) **~~Within six months of receiving an application described in subsection 2 of this section from a resident of Missouri, waive any examination, educational, or experience requirements for licensure in this state for the applicant if it determines that the licensing requirements in the jurisdiction that issued the applicant's license are substantially similar to or more stringent than the licensing requirements in Missouri for the same occupation or profession and shall issue such applicant a license under this section if such applicant otherwise meets the requirements of this section; or~~**

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.

Matter in bold-face type is proposed language.

~~(2) Within thirty days of receiving an application described in subsection 2 of this section from a nonresident military spouse or a resident military spouse, waive any examination, educational, or experience requirements for licensure in this state for the applicant and issue such applicant a license under this section if such applicant otherwise meets the requirements of this section.~~

4. The oversight body shall not waive any examination, educational, or experience requirements for any applicant who is currently under disciplinary action with an oversight body outside the state or who does not hold a valid current license in the other jurisdiction on the date the oversight body receives his or her application under this section.

5. The oversight body shall not waive any examination, educational, or experience requirements for any applicant if it determines that waiving the requirements for the applicant may endanger the public health, safety, or welfare.

6. Nothing in this section shall prohibit the oversight body from denying a license to an applicant under this section for any reason described in any section associated with the occupation or profession for which the applicant seeks a license.

7. This section shall not be construed to waive any requirement for an applicant to pay any fees, post any bonds or surety bonds, or submit proof of insurance associated with the license the applicant seeks.

8. This section shall not apply to business, professional, or occupational licenses issued or required by political subdivisions.

9. The provisions of this section shall not be construed to alter the authority granted by, or any requirements promulgated pursuant to, any interjurisdictional or interstate compacts adopted by Missouri statute or any reciprocity agreements with other states [in effect on August 28, 2018, and whenever possible this section shall be interpreted so as to imply no conflict between it and any compact, or any reciprocity agreements with other states in effect on August 28, 2018]. **If any conflict arises between the provisions of this section and the provisions of any interjurisdictional or interstate compact or reciprocity agreement, the provisions of such compact or agreement shall prevail. If a conflict arises between the provisions of this section and any federal law or rule, the provisions of the federal law or rule shall prevail.**

10. ~~For the purposes of this section, resident military spouses and nonresident military spouses shall be eligible to apply for a license with any board, department, agency, or office of a jurisdiction that issues licenses including, but not limited to, the state board of registration for the healing arts; the state board of nursing; the board of pharmacy; the state committee of psychologists; the Missouri dental board; the Missouri board for architects, professional engineers, professional land surveyors, and professional landscape architects; the state board of optometry; and the Missouri veterinary medical board.]~~

[334.719. ATHLETIC TRAINERS PRIOR TO SEPTEMBER 28, 1983, COMPLIANCE PERIOD.—

Any person who is a resident of this state and who was actively engaged as an athletic trainer on September 28, 1983, shall be entitled to continue to practice as such but, within six months of that date, comply with the provisions of section 334.708 to 334.715. For the purposes of this section a person is actively engaged as an athletic trainer if he is employed on a salary basis by an educational institution, a professional athletic organization, or any other bona fide athletic organization for the duration of the institutional year or the athletic organization's season, and one of his job responsibilities requires him to perform the duties of an athletic trainer.]

Approved July 6, 2020

SS SCS HCS HB 2120

Enacts provisions relating to utility infrastructure.

AN ACT to repeal sections 67.5122, 393.1009, 393.1012, 393.1015, and 620.2459, RSMo, and to enact in lieu thereof ten new sections relating to utility infrastructure.

SECTION

A	Enacting clause.
67.5122	Expiration date, exception.
393.1009	Definitions.
393.1012	Rate schedules, procedures to establish or change — prequalification process, requirements — report to general assembly.
393.1015	Documentation to be submitted — notice to be published — examination of proposal — authorization by commission, when — pretax revenues, factors to be considered — revised rate schedule, filed when — rulemaking authority — expiration date.
620.2459	Sunset provision.
640.141	Citation of law — definition of public water system.
640.142	Plan for identifying and mitigating cyber risk — exemption, when — inapplicability, when.
640.144	Value inspection program, requirements — hydrant inspection program, requirements — inapplicability, when.
640.145	Report, contents — inapplicability, when.
701.200	Lead contamination, testing of potable water in certain school buildings — department to develop guidance on collecting and testing — samples exceeding limits, procedure — rulemaking authority.

Be it enacted by the General Assembly of the state of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 67.5122, 393.1009, 393.1012, 393.1015, and 620.2459, RSMo, are repealed and ten new sections enacted in lieu thereof, to be known as sections 67.5122, 393.1009, 393.1012, 393.1015, 620.2459, 640.141, 640.142, 640.144, 640.145, and 701.200, to read as follows:

67.5122. EXPIRATION DATE, EXCEPTION. — Sections 67.5110 to 67.5122 shall expire on January 1, [2024] **2025**, except that for small wireless facilities already permitted or collocated on authority poles prior to such date, the rate set forth in section 67.5116 for collocation of small wireless facilities on authority poles shall remain effective for the duration of the permit authorizing the collocation.

393.1009. DEFINITIONS. — As used in sections 393.1009 to 393.1015, the following terms mean:

(1) "Appropriate pretax revenues", the revenues necessary to produce net operating income equal to:

(a) The gas corporation's weighted cost of capital multiplied by the net original cost of eligible infrastructure system replacements, including recognition of accumulated deferred income taxes and accumulated depreciation associated with eligible infrastructure system replacements which are included in a currently effective ISRS; and

(b) Recover state, federal, and local income or excise taxes applicable to such income; and

(c) Recover all other ISRS costs;

(2) "Commission", the Missouri public service commission;

(3) "Eligible infrastructure system replacements", gas utility plant projects that:

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

- (a) Do not increase revenues by directly connecting the infrastructure replacement to new customers;
- (b) Are in service and used and useful;
- (c) Were not included in the gas corporation's rate base in its most recent general rate case; and
- (d) Replace or extend the useful life of an existing infrastructure;
- (4) "Gas corporation", every corporation, company, association, joint stock company or association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever, owning, operating, controlling, or managing any gas plant operating for public use under privilege, license, or franchise now or hereafter granted by the state or any political subdivision, county, or municipality thereof as defined in section 386.020;
- (5) "Gas utility plant projects" ~~may~~ **shall** consist only of the following:
 - (a) Mains, valves, service lines, regulator stations, vaults, and other pipeline system components installed to comply with state or federal safety requirements as replacements for existing facilities that have worn out or are in deteriorated condition **or that can no longer be installed under currently applicable safety requirements or any cast iron or steel facilities including any connected or associated facilities that, regardless of their material, age, or condition, are replaced as part of a qualifying replacement project in a manner that adds no incremental cost to a project compared to tying into or reusing existing facilities;**
 - (b) Main relining projects, service line insertion projects, joint encapsulation projects, and other similar projects extending the useful life or enhancing the integrity of pipeline system components undertaken to comply with state or federal safety requirements; and
 - (c) Facilities relocations required due to construction or improvement of a highway, road, street, public way, or other public work by or on behalf of the United States, this state, a political subdivision of this state, or another entity having the power of eminent domain provided that the costs related to such projects have not been reimbursed to the gas corporation;
- (6) "ISRS", infrastructure system replacement surcharge;
- (7) "ISRS costs", depreciation expense and property taxes that will be due within twelve months of the ISRS filing **associated with eligible system replacements less annual depreciation expenses and property taxes associated with any related facility retirements;**
- (8) "ISRS revenues", revenues produced through an ISRS exclusive of revenues from all other rates and charges.

393.1012. RATE SCHEDULES, PROCEDURES TO ESTABLISH OR CHANGE — PREQUALIFICATION PROCESS, REQUIREMENTS — REPORT TO GENERAL ASSEMBLY. — 1. Notwithstanding any provisions of chapter 386 and this chapter to the contrary, beginning August 28, 2003, a gas corporation providing gas service may file a petition and proposed rate schedules with the commission to establish or change ISRS rate schedules that will allow for the adjustment of the gas corporation's rates and charges to provide for the recovery of costs for eligible infrastructure system replacements. The commission may not approve an ISRS to the extent it would produce total annualized ISRS revenues below the lesser of one million dollars or one-half of one percent of the gas corporation's base revenue level approved by the commission in the gas corporation's most recent general rate proceeding. The commission may not approve an ISRS to the extent it would produce total annualized ISRS revenues exceeding ten percent of the gas corporation's base revenue level approved by the commission in the gas corporation's most recent general rate proceeding. An ISRS and any future changes thereto shall be calculated and implemented in accordance with the provisions of sections 393.1009 to 393.1015. ISRS revenues shall be subject to a refund based upon a finding and order of the commission to the extent provided in subsections 5 and 8 of section ~~393.1009~~ **393.1015**.

2. The commission shall not approve an ISRS for any gas corporation that has not had a general rate proceeding decided or dismissed by issuance of a commission order within the past three years, unless the gas corporation has filed for or is the subject of a new general rate proceeding.

3. In no event shall a gas corporation collect an ISRS for a period exceeding three years unless the gas corporation has filed for or is the subject of a new general rate proceeding; provided that the ISRS may be collected until the effective date of new rate schedules established as a result of the new general rate proceeding, or until the subject general rate proceeding is otherwise decided or dismissed by issuance of a commission order without new rates being established.

4. In order for a gas corporation to file a petition with the commission to establish or change an ISRS, such corporation shall, by July 1, 2021, develop and file with the commission a pre-qualification process for contractors seeking to participate in competitive bidding to install ISRS-eligible gas utility plant projects. Under the pre-qualification process, the gas corporation may specify certain eligibility requirements typically accepted by the industry, including but not limited to, experience, performance criteria, safety policies, and insurance or indemnification requirements to be met by any contractor seeking to participate in competitive bidding to install ISRS-eligible gas utility plant projects. Contractors that meet the pre-qualification criteria set by the gas corporation shall be eligible to participate in the competitive bidding process for installing ISRS-eligible gas utility plant projects, with the winning bid awarded to the contractor making the overall lowest and best bid, as defined in subsection 2 of section 34.010. The gas corporation shall file, by January 1, 2022, a verified statement with the commission confirming that it has in place a pre-qualification process for the competitive bidding of ISRS-eligible gas utility plant projects, and that such process conforms with the requirements of this section. The commission shall have the authority to verify the statement to ensure compliance with this section. After January 1, 2022, the gas corporation shall submit with each petition filing to establish or change an ISRS a verified statement confirming that it is using a competitive bidding process for no less than twenty-five percent of the combined external installation expenditures made by the gas corporation's operating units in Missouri for installing ISRS-eligible gas utility plant projects, and that such process conforms with the requirements set forth in this section. The commission shall have the authority to verify the statement to ensure compliance with this section. Nothing in this section shall be construed as requiring any gas corporation to use a pre-qualified contractor or competitive bidding process in the case of an emergency project, or to terminate any existing contract with a contractor prior to its expiration; provided however, that the use of any preexisting contract for the installation of ISRS-eligible gas utility plant projects shall not qualify as fulfilling the twenty-five percent requirement set forth in this section beyond December 31, 2022. For contractors not qualifying through the competitive bid process, the gas corporation, upon request from the contractor, shall provide information from the process in which the contractor can be informed as to how to be better positioned to qualify for such bid opportunities in the future.

5. By December 31, 2023, and annually thereafter, the commission shall submit a report to the general assembly on the effects of subsection 4 of this section, including gas corporation compliance, potential legislative action regarding subsection 4 of this section, the costs of installing ISRS-eligible gas utility plant projects prior to the implementation of subsection 4 of this section compared to after the implementation of subsection 4 of this section, and any other information regarding the processes established under subsection 4 of this section that the commission deems necessary.

393.1015. DOCUMENTATION TO BE SUBMITTED — NOTICE TO BE PUBLISHED — EXAMINATION OF PROPOSAL — AUTHORIZATION BY COMMISSION, WHEN — PRETAX REVENUES, FACTORS TO BE CONSIDERED — REVISED RATE SCHEDULE, FILED WHEN —

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

RULEMAKING AUTHORITY — EXPIRATION DATE. — 1. (1) At the time that a gas corporation files a petition with the commission seeking to establish or change an ISRS, it shall submit proposed ISRS rate schedules and its supporting documentation regarding the calculation of the proposed ISRS with the petition, and shall serve the office of the public counsel with a copy of its petition, its proposed rate schedules, and its supporting documentation.

(2) Upon the filing of a petition, and any associated rate schedules, seeking to establish or change an ISRS, the commission shall publish notice of the filing.

2. (1) When a petition, along with any associated proposed rate schedules, is filed pursuant to the provisions of sections 393.1009 to 393.1015, the commission shall conduct an examination of the proposed ISRS.

(2) The staff of the commission may examine information of the gas corporation to confirm that the underlying costs are in accordance with the provisions of sections 393.1009 to 393.1015, and to confirm proper calculation of the proposed charge, and may submit a report regarding its examination to the commission not later than ~~[sixty]~~ **ninety** days after the petition is filed. No other revenue requirement or ratemaking issues may be examined in consideration of the petition or associated proposed rate schedules filed pursuant to the provisions of sections 393.1009 to 393.1015.

(3) The commission may hold a hearing on the petition and any associated rate schedules and shall issue an order to become effective not later than one hundred ~~[twenty]~~ **eighty** days after the petition is filed.

(4) If the commission finds that a petition complies with the requirements of sections 393.1009 to 393.1015, the commission shall enter an order authorizing the corporation to impose an ISRS that is sufficient to recover appropriate pretax revenue, as determined by the commission pursuant to the provisions of sections 393.1009 to 393.1015.

3. A gas corporation may effectuate a change in its rate pursuant to the provisions of this section no more often than two times every twelve months.

4. In determining the appropriate pretax revenue, the commission shall consider only the following factors:

- (1) The current state, federal, and local income tax or excise rates;
- (2) The gas corporation's actual regulatory capital structure as determined during the most recent general rate proceeding of the gas corporation;
- (3) The actual cost rates for the gas corporation's debt and preferred stock as determined during the most recent general rate proceeding of the gas corporation;
- (4) The gas corporation's cost of common equity as determined during the most recent general rate proceeding of the gas corporation;
- (5) The current property tax rate or rates applicable to the eligible infrastructure system replacements;
- (6) The current depreciation rates applicable to the eligible infrastructure system replacements; and
- (7) In the event information pursuant to subdivisions (2), (3), and (4) of this subsection is unavailable and the commission is not provided with such information on an agreed-upon basis, the commission shall refer to the testimony submitted during the most recent general rate proceeding of the gas corporation and use, in lieu of any such unavailable information, the recommended capital structure, recommended cost rates for debt and preferred stock, and recommended cost of common equity that would produce the average weighted cost of capital based upon the various recommendations contained in such testimony.

5. (1) The monthly ISRS charge may be calculated based on a reasonable estimate of billing units in the period in which the charge will be in effect, which shall be conclusively established by dividing the appropriate pretax revenues by the customer numbers reported by the gas corporation in the annual report it most recently filed with the commission pursuant to subdivision (6) of section 393.140, and then further dividing this quotient by twelve. Provided, however, that the monthly ISRS may vary

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law. Matter in bold-face type is proposed language.

according to customer class and may be calculated based on customer numbers as determined during the most recent general rate proceeding of the gas corporation so long as the monthly ISRS for each customer class maintains a proportional relationship equivalent to the proportional relationship of the monthly customer charge for each customer class.

(2) At the end of each twelve-month calendar period the ISRS is in effect, the gas corporation shall reconcile the differences between the revenues resulting from an ISRS and the appropriate pretax revenues as found by the commission for that period and shall submit the reconciliation and a proposed ISRS adjustment to the commission for approval to recover or refund the difference, as appropriate, through adjustments of an ISRS charge.

6. (1) A gas corporation that has implemented an ISRS pursuant to the provisions of sections 393.1009 to 393.1015 shall file revised rate schedules to reset the ISRS to zero when new base rates and charges become effective for the gas corporation following a commission order establishing customer rates in a general rate proceeding that incorporates in the utility's base rates subject to subsections 8 and 9 of this section eligible costs previously reflected in an ISRS.

(2) Upon the inclusion in a gas corporation's base rates subject to subsections 8 and 9 of this section of eligible costs previously reflected in an ISRS, the gas corporation shall immediately thereafter reconcile any previously unreconciled ISRS revenues as necessary to ensure that revenues resulting from the ISRS match as closely as possible the appropriate pretax revenues as found by the commission for that period.

7. A gas corporation's filing of a petition or change to an ISRS pursuant to the provisions of sections 393.1009 to 393.1015 shall not be considered a request for a general increase in the gas corporation's base rates and charges.

8. Commission approval of a petition, and any associated rate schedules, to establish or change an ISRS pursuant to the provisions of sections 393.1009 to 393.1015 shall in no way be binding upon the commission in determining the ratemaking treatment to be applied to eligible infrastructure system replacements during a subsequent general rate proceeding when the commission may undertake to review the prudence of such costs. In the event the commission disallows, during a subsequent general rate proceeding, recovery of costs associated with eligible infrastructure system replacements previously included in an ISRS, the gas corporation shall offset its ISRS in the future as necessary to recognize and account for any such overcollections.

9. Nothing in this section shall be construed as limiting the authority of the commission to review and consider infrastructure system replacement costs along with other costs during any general rate proceeding of any gas corporation.

10. Nothing contained in sections 393.1009 to 393.1015 shall be construed to impair in any way the authority of the commission to review the reasonableness of the rates or charges of a gas corporation, including review of the prudence of eligible infrastructure system replacements made by a gas corporation, pursuant to the provisions of section 386.390.

11. The commission shall have authority to promulgate rules for the implementation of sections 393.1009 to 393.1015, but only to the extent such rules are consistent with, and do not delay the implementation of, the provisions of sections 393.1009 to 393.1015. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2003, shall be invalid and void.

12. Any gas corporation whose ISRS is found by a court of competent jurisdiction to include unlawful and inappropriate charges shall refund every current customer of the gas corporation who paid such charges, before the gas corporation can file for a new ISRS.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

13. The provisions of sections 393.1009 to 393.1015 shall expire on August 28, 2029.

620.2459. SUNSET PROVISION. — Pursuant to section 23.253 of the Missouri sunset act:

(1) The provisions of the ~~new~~ program authorized under sections 620.2450, 620.2451, 620.2452, 620.2453, 620.2454, 620.2455, 620.2456, 620.2457, and 620.2458 shall sunset ~~automatically three years after August 28, 2018~~ **on June 30, 2027**, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under sections 620.2450, 620.2451, 620.2452, 620.2453, 620.2454, 620.2455, 620.2456, 620.2457, and 620.2458 shall sunset automatically six years after the effective date of the reauthorization of sections 620.2450, 620.2451, 620.2452, 620.2453, 620.2454, 620.2455, 620.2456, 620.2457, and 620.2458; and

(3) Sections 620.2450, 620.2451, 620.2452, 620.2453, 620.2454, 620.2455, 620.2456, 620.2457, and 620.2458 shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under sections 620.2450, 620.2451, 620.2452, 620.2453, 620.2454, 620.2455, 620.2456, 620.2457, and 620.2458 is sunset.

640.141. CITATION OF LAW — DEFINITION OF PUBLIC WATER SYSTEM. — Sections 640.141 to 640.145 shall be known as the "Water Safety and Security Act". For the purposes of these sections, the term "community water system" shall mean a public water system as defined in section 640.102 that serves at least fifteen service connections and is operated on a year-round basis or regularly serves at least twenty-five residents on a year-round basis.

640.142. PLAN FOR IDENTIFYING AND MITIGATING CYBER RISK — EXEMPTION, WHEN — INAPPLICABILITY, WHEN. — 1. Within twelve months of the effective date of this section, each community water system shall create a plan that establishes policies and procedures for identifying and mitigating cyber risk. The plan shall include risk assessments and implementation of appropriate controls to mitigate identified cyber risks.

2. Community water systems that do not use an internet-connected control system are exempt from the provisions of this section.

3. The provisions of this section shall not apply to any state parks, cities with a population of more than thirty thousand inhabitants, a county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, a county with a charter form of government and with more than nine hundred fifty thousand inhabitants, or a public service commission regulated utility with more than thirty thousand customers.

640.144. VALUE INSPECTION PROGRAM, REQUIREMENTS — HYDRANT INSPECTION PROGRAM, REQUIREMENTS — INAPPLICABILITY, WHEN. — 1. All community water systems shall be required to create a valve inspection program that includes:

(1) Inspection of all valves every ten years;
(2) Scheduled repair or replacement of broken valves; and
(3) Within five years of the effective date of this section, identification of each shut off valve location using a geographic information system or an alternative physical mapping system that accurately identifies the location of each valve.

2. All community water systems shall be required to create a hydrant inspection program that includes:

(1) Annual testing of every hydrant in the community water system;
(2) Scheduled repair or replacement of broken hydrants;
(3) A plan to flush every hydrant and dead-end main;
(4) Maintenance of records of inspections, tests, and flushings for six years; and

(5) Within five years of the effective date of this section, identification of each hydrant location using a geographic information system or an alternative physical mapping system that accurately identifies the location of each hydrant.

3. The provisions of this section shall not apply to any state parks, cities with a population of more than thirty thousand inhabitants, a county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, a county with a charter form of government and with more than nine hundred fifty thousand inhabitants, or a public service commission regulated utility with more than thirty thousand customers.

640.145. REPORT, CONTENTS — INAPPLICABILITY, WHEN. — 1. Community water systems shall submit a report upon request of the department of natural resources that shall certify compliance with all regulations regarding:

- (1) Water quality sampling, testing, and reporting;
- (2) Hydrant and valve inspections under section 640.144; and
- (3) Cyber security plans and policies, if required under section 640.142.

2. The provisions of this section shall not apply to any state parks, cities with a population of more than thirty thousand inhabitants, a county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, a county with a charter form of government and with more than nine hundred fifty thousand inhabitants, or a public service commission regulated utility with more than thirty thousand customers.

701.200. LEAD CONTAMINATION, TESTING OF POTABLE WATER IN CERTAIN SCHOOL BUILDINGS — DEPARTMENT TO DEVELOP GUIDANCE ON COLLECTING AND TESTING — SAMPLES EXCEEDING LIMITS, PROCEDURE — RULEMAKING AUTHORITY. — 1. Subject to appropriations, each school district, as such term is defined in section 160.011, may test a sample of a source of potable water in a public school building in that district serving students under first grade and constructed before 1996 for lead contamination in accordance with guidance provided by the department of health and senior services. The school district may submit the samples to a department-approved laboratory for analysis for lead and provide the written sampling results to the department within seven days of receipt.

2. The department shall develop guidance for schools in collecting and testing first-draw samples of potable water. The department shall develop and make publicly available a list of approved laboratories for lead analysis.

3. If any of the samples taken in the building exceed current standards for parts per billion of lead established by the United States Environmental Protection Agency, the school district shall promptly provide individual notification of the sampling results, by written or electronic communication, to the parents or legal guardians of all enrolled students and include the following information: the corresponding sampling location within the building and the U.S. Environmental Protection Agency's website for information about lead in drinking water. If any of the samples taken in the building are at or below five parts per billion, notification may be made as provided in this subsection or by posting on the school's website.

4. The department may promulgate rules and regulations necessary to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2020, shall be invalid and void.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

5. As used in this section, the term "source of potable water" shall mean the point at which nonbottled water that may be ingested by children or used for food preparation exits any tap, faucet, drinking fountain, wash basin in a classroom occupied by children or students under first grade, or similar point of use; provided, that all bathroom sinks and wash basins used by janitorial staff are excluded from this definition.

Approved July 2, 2020

HB 2456

Enacts provisions relating to reimbursement allowance taxes.

AN ACT to repeal sections 190.839, 198.439, 208.437, 208.480, 338.550, and 633.401, RSMo, and to enact in lieu thereof six new sections relating to reimbursement allowance taxes.

SECTION

A	Enacting clause.
190.839	Expiration date.
198.439	Expiration date.
208.437	Reimbursement allowance period — notification of balance due, when — delinquent payments, procedure, basis for denial of licensure — expiration date.
208.480	Federal reimbursement allowance expiration date.
338.550	Expiration date of tax, when.
633.401	Definitions — assessment imposed, formula — rates of payment — fund created, use of moneys — record-keeping requirements — report — appeal process — rulemaking authority — expiration date.

Be it enacted by the General Assembly of the state of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 190.839, 198.439, 208.437, 208.480, 338.550, and 633.401, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 190.839, 198.439, 208.437, 208.480, 338.550, and 633.401, to read as follows:

190.839. EXPIRATION DATE. — Sections 190.800 to 190.839 shall expire on September 30, [2020] 2021.

198.439. EXPIRATION DATE. — Sections 198.401 to 198.436 shall expire on September 30, [2020] 2021.

208.437. REIMBURSEMENT ALLOWANCE PERIOD — NOTIFICATION OF BALANCE DUE, WHEN — DELINQUENT PAYMENTS, PROCEDURE, BASIS FOR DENIAL OF LICENSURE — EXPIRATION DATE. — 1. A Medicaid managed care organization reimbursement allowance period as provided in sections 208.431 to 208.437 shall be from the first day of July to the thirtieth day of June. The department shall notify each Medicaid managed care organization with a balance due on the thirtieth day of June of each year the amount of such balance due. If any managed care organization fails to pay its managed care organization reimbursement allowance within thirty days of such notice, the reimbursement allowance shall be delinquent. The reimbursement allowance may remain unpaid during an appeal.

2. Except as otherwise provided in this section, if any reimbursement allowance imposed under the provisions of sections 208.431 to 208.437 is unpaid and delinquent, the department of social services may compel the payment of such reimbursement allowance in the circuit court having jurisdiction in the county where the main offices of the Medicaid managed care organization are located. In addition, the director of the department of social services or the director's designee may cancel or refuse to issue, extend or reinstate a Medicaid contract agreement to any Medicaid managed care organization which fails to pay such delinquent reimbursement allowance required by sections 208.431 to 208.437 unless under appeal.

3. Except as otherwise provided in this section, failure to pay a delinquent reimbursement allowance imposed under sections 208.431 to 208.437 shall be grounds for denial, suspension or revocation of a license granted by the department of commerce and insurance. The director of the department of commerce and insurance may deny, suspend or revoke the license of a Medicaid managed care organization with a contract under 42 U.S.C. Section 1396b(m) which fails to pay a managed care organization's delinquent reimbursement allowance unless under appeal.

4. Nothing in sections 208.431 to 208.437 shall be deemed to effect or in any way limit the tax-exempt or nonprofit status of any Medicaid managed care organization with a contract under 42 U.S.C. Section 1396b(m) granted by state law.

5. Sections 208.431 to 208.437 shall expire on September 30, ~~2020~~ **2021**.

208.480. FEDERAL REIMBURSEMENT ALLOWANCE EXPIRATION DATE. — Notwithstanding the provisions of section 208.471 to the contrary, sections 208.453 to 208.480 shall expire on September 30, ~~2020~~ **2021**.

338.550. EXPIRATION DATE OF TAX, WHEN. — 1. The pharmacy tax required by sections 338.500 to 338.550 shall expire ninety days after any one or more of the following conditions are met:

(1) The aggregate dispensing fee as appropriated by the general assembly paid to pharmacists per prescription is less than the fiscal year 2003 dispensing fees reimbursement amount; or

(2) The formula used to calculate the reimbursement as appropriated by the general assembly for products dispensed by pharmacies is changed resulting in lower reimbursement to the pharmacist in the aggregate than provided in fiscal year 2003; or

(3) September 30, ~~2020~~ **2021**.

The director of the department of social services shall notify the revisor of statutes of the expiration date as provided in this subsection. The provisions of sections 338.500 to 338.550 shall not apply to pharmacies domiciled or headquartered outside this state which are engaged in prescription drug sales that are delivered directly to patients within this state via common carrier, mail or a carrier service.

2. Sections 338.500 to 338.550 shall expire on September 30, ~~2020~~ **2021**.

633.401. DEFINITIONS — ASSESSMENT IMPOSED, FORMULA — RATES OF PAYMENT — FUND CREATED, USE OF MONEYS — RECORD-KEEPING REQUIREMENTS — REPORT — APPEAL PROCESS — RULEMAKING AUTHORITY — EXPIRATION DATE. — 1. For purposes of this section, the following terms mean:

(1) "Engaging in the business of providing health benefit services", accepting payment for health benefit services;

(2) "Intermediate care facility for the intellectually disabled", a private or department of mental health facility which admits persons who are intellectually disabled or developmentally disabled for residential habilitation and other services pursuant to chapter 630. Such term shall include habilitation centers and private or public intermediate care facilities for the intellectually disabled that have been certified to meet the conditions of participation under 42 CFR, Section 483, Subpart I;

(3) "Net operating revenues from providing services of intermediate care facilities for the intellectually disabled" shall include, without limitation, all moneys received on account of such services pursuant to rates of reimbursement established and paid by the department of social services, but shall not include charitable contributions, grants, donations, bequests and income from nonservice related fund-raising activities and government deficit financing, contractual allowance, discounts or bad debt;

(4) "Services of intermediate care facilities for the intellectually disabled" has the same meaning as the term services of intermediate care facilities for the mentally retarded, as used in Title 42 United States Code, Section 1396b(w)(7)(A)(iv), as amended, and as such qualifies as a class of health care services recognized in federal Public Law 102-234, the Medicaid Voluntary Contribution and Provider Specific Tax Amendments of 1991.

2. Beginning July 1, 2008, each provider of services of intermediate care facilities for the intellectually disabled shall, in addition to all other fees and taxes now required or paid, pay assessments on their net operating revenues for the privilege of engaging in the business of providing services of the intermediate care facilities for the intellectually disabled or developmentally disabled in this state.

3. Each facility's assessment shall be based on a formula set forth in rules and regulations promulgated by the department of mental health.

4. For purposes of determining rates of payment under the medical assistance program for providers of services of intermediate care facilities for the intellectually disabled, the assessment imposed pursuant to this section on net operating revenues shall be a reimbursable cost to be reflected as timely as practicable in rates of payment applicable within the assessment period, contingent, for payments by governmental agencies, on all federal approvals necessary by federal law and regulation for federal financial participation in payments made for beneficiaries eligible for medical assistance under Title XIX of the federal Social Security Act, **42 U.S.C. Section 1396, et seq., as amended**.

5. Assessments shall be submitted by or on behalf of each provider of services of intermediate care facilities for the intellectually disabled on a monthly basis to the director of the department of mental health or his or her designee and shall be made payable to the director of the department of revenue.

6. In the alternative, a provider may direct that the director of the department of social services offset, from the amount of any payment to be made by the state to the provider, the amount of the assessment payment owed for any month.

7. Assessment payments shall be deposited in the state treasury to the credit of the "Intermediate Care Facility Intellectually Disabled Reimbursement Allowance Fund", which is hereby created in the state treasury. All investment earnings of this fund shall be credited to the fund. Notwithstanding the provisions of section 33.080 to the contrary, any unexpended balance in the intermediate care facility intellectually disabled reimbursement allowance fund at the end of the biennium shall not revert to the general revenue fund but shall accumulate from year to year. The state treasurer shall maintain records that show the amount of money in the fund at any time and the amount of any investment earnings on that amount.

8. Each provider of services of intermediate care facilities for the intellectually disabled shall keep such records as may be necessary to determine the amount of the assessment for which it is liable under this section. On or before the forty-fifth day after the end of each month commencing July 1, 2008, each provider of services of intermediate care facilities for the intellectually disabled shall submit to the department of social services a report on a cash basis that reflects such information as is necessary to determine the amount of the assessment payable for that month.

9. Every provider of services of intermediate care facilities for the intellectually disabled shall submit a certified annual report of net operating revenues from the furnishing of services of intermediate care facilities for the intellectually disabled. The reports shall be in such form as may be prescribed by rule by the director of the department of mental health. Final payments of the assessment for each year shall be due for all providers of services of intermediate care facilities for the intellectually disabled upon the due date for submission of the certified annual report.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

10. The director of the department of mental health shall prescribe by rule the form and content of any document required to be filed pursuant to the provisions of this section.

11. Upon receipt of notification from the director of the department of mental health of a provider's delinquency in paying assessments required under this section, the director of the department of social services shall withhold, and shall remit to the director of the department of revenue, an assessment amount estimated by the director of the department of mental health from any payment to be made by the state to the provider.

12. In the event a provider objects to the estimate described in subsection 11 of this section, or any other decision of the department of mental health related to this section, the provider of services may request a hearing. If a hearing is requested, the director of the department of mental health shall provide the provider of services an opportunity to be heard and to present evidence bearing on the amount due for an assessment or other issue related to this section within thirty days after collection of an amount due or receipt of a request for a hearing, whichever is later. The director shall issue a final decision within forty-five days of the completion of the hearing. After reconsideration of the assessment determination and a final decision by the director of the department of mental health, an intermediate care facility for the intellectually disabled provider's appeal of the director's final decision shall be to the administrative hearing commission in accordance with sections 208.156 and 621.055.

13. Notwithstanding any other provision of law to the contrary, appeals regarding this assessment shall be to the circuit court of Cole County or the circuit court in the county in which the facility is located. The circuit court shall hear the matter as the court of original jurisdiction.

14. Nothing in this section shall be deemed to affect or in any way limit the tax-exempt or nonprofit status of any intermediate care facility for the intellectually disabled granted by state law.

15. The director of the department of mental health shall promulgate rules and regulations to implement this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.

16. The provisions of this section shall expire on September 30, ~~2020~~ **2021**.

Approved April 20, 2020

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CCC HCS SB 551

Enacts provisions relating to insurance.

AN ACT to repeal sections 303.200, 376.782, 379.860, 383.155, 383.160, and 383.175, RSMo, and to enact in lieu thereof ten new sections relating to insurance.

SECTION

- A Enacting clause.
- 194.320 Physical or mental disability, or congenital condition of recipient of anatomical gift — limitations on hospitals, physicians, and procurement organizations to determine ultimate recipient.
- 303.200 Missouri automobile insurance plan for persons unable to procure insurance by ordinary means — approval, participation by companies — function — plan of operation — liability limitations.
- 376.782 Mammography — low-dose screening, defined — health care policies to provide required coverage.
- 376.1590 Status as living organ donor not sole factor for insurance coverage.
- 379.402 Property and casualty insurance, free or discounted products or services permitted, when — rulemaking authority.
- 379.404 Commercial property and casualty insurance — rebates, discounts, gifts prohibitions not applicable, exception to exclusion.
- 379.860 Administration of program — governing committee, members, vacancies — immunity from liability, when.
- 383.155 Association created, when — limits of coverage — plan of operation, when due, contents of, amended, how — immunity from liability, when.
- 383.160 Policies, period covered — form of policy to be approved — rates, how regulated — assessments, how made — excess funds, disposition of.
- 383.175 Board of directors, composition — expenses, payment of authorized.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE — Sections 303.200, 376.782, 379.860, 383.155, 383.160, and 383.175, RSMo, are repealed and ten new sections enacted in lieu thereof, to be known as sections 194.320, 303.200, 376.782, 376.1590, 379.402, 379.404, 379.860, 383.155, 383.160, and 383.175, to read as follows:

194.320. PHYSICAL OR MENTAL DISABILITY, OR CONGENITAL CONDITION OF RECIPIENT OF ANATOMICAL GIFT — LIMITATIONS ON HOSPITALS, PHYSICIANS, AND PROCUREMENT ORGANIZATIONS TO DETERMINE ULTIMATE RECIPIENT — 1. No hospital, as defined in section 197.020, physician, procurement organization, as defined in section 194.210, or other person shall determine the ultimate recipient of an anatomical gift based upon a potential recipient's physical or mental disability or congenital condition, except to the extent that the physical or mental disability or congenital condition has been found by a physician, following a case-by-case evaluation of the potential recipient, to be medically significant to the provision of the anatomical gift. The provisions of this subsection shall apply to each part of the organ transplant process, including, but not limited to, the following:

- (1) The referral from a primary care provider to a specialist;
- (2) The referral from a specialist to a transplant center;
- (3) The evaluation of the patient for the transplant by the transplant center; and

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

(4) The consideration of the patient for placement on an official waiting list.

2. A person with a physical or mental disability or congenital condition shall not be required to demonstrate postoperative independent living abilities in order to have access to a transplant if there is evidence that the person will have sufficient, compensatory support and assistance.

3. A court of competent jurisdiction shall accord priority on its calendar and handle expeditiously any action brought to seek any remedy authorized by law for purposes of enforcing compliance with the provisions of this section.

4. This section shall not be deemed to require referrals or recommendations for or the performance of medically inappropriate organ transplants.

5. As used in this section, "disabilities" shall have the same meaning as in the federal Americans with Disabilities Act of 1990, 42 U.S.C. 12101, et seq.

303.200. MISSOURI AUTOMOBILE INSURANCE PLAN FOR PERSONS UNABLE TO PROCURE INSURANCE BY ORDINARY MEANS — APPROVAL, PARTICIPATION BY COMPANIES — FUNCTION — PLAN OF OPERATION — LIABILITY LIMITATIONS. — 1. After consultation with insurance companies [authorized to issue automobile liability policies] **having a certificate of authority to do business in this state and actively writing motor vehicle liability policies,** the director of the department of commerce and insurance, **hereinafter referred to as the director,** shall approve a reasonable plan [or plans for the equitable apportionment among such companies of applicants for such policies and for personal automobile and commercial motor vehicle liability] **to provide motor vehicle insurance policies for applicants** who are in good faith entitled to but are unable to procure such policies through ordinary methods. **The plan shall be known as the "Missouri Automobile Insurance Plan", hereinafter referred to as the plan.** When any such plan has been approved, all such insurance companies shall subscribe thereto and participate therein. [The plan manager, on the plan's behalf, shall contract with an entity or entities to accept and service applicants and policies for any company that does not elect to accept and service applicants and policies. By October first of each year any company that elects to accept and service applicants and policies for the next calendar year for any such plan shall so notify the plan. Except as provided in subsection 2 of this section, any company that does not so notify a plan established for handling coverage for personal automobile risks shall be excused from accepting and servicing applicants and policies for the next calendar year for such plan and shall pay a fee to the plan or servicing entity for providing such services. The fee shall be based on the company's market share as determined by the company's writings of personal automobile risks in the voluntary market.] Any applicant for [any such] a policy, any person insured under [any such] **the plan,** and any insurance company affected may appeal to the director from any ruling or decision of the [manager or committee designated to operate such] plan. Any person aggrieved hereunder by any order or act of the director may, within ten days after notice thereof, file a petition in the circuit court of the county of Cole for a review thereof. The court shall summarily hear the petition and may make any appropriate order or decree. [As used in this section, the term "personal automobile" means a private passenger nonfleet vehicle, motorcycle, camper and travel trailer, antique auto, amphibious auto, motor home, named nonowner applicant, or a low-speed vehicle subject to chapter 304 which is not primarily used for business or nonprofit interests and which is generally used for personal, family, or household purposes.]

2. [If the total premium volume for any one plan established for handling coverage for personal automobile risks exceeds ten million dollars in a calendar year, a company with more than five percent market share of such risks in Missouri shall not be excused from accepting and servicing applicants and policies of such plan under subsection 1 of this section for the next calendar year, unless the governing body of the plan votes to allow any company with such market share the option to be excused] **The plan shall perform its functions under a plan of operation and through a governing committee as**

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prescribed in the plan of operation. Any plan of operation, prior to taking effect, shall be filed and approved by the director. Any amendments to the plan of operation so adopted shall also be filed with and approved by the director prior to taking effect.

3. The plan of operation shall prescribe the issuance of motor vehicle insurance policies by the plan, which may include the administration of such policies by:

(1) A third party administrator that has a certificate of authority to do business in this state;

(2) A nationally recognized management organization and service provider that specializes in the administration of motor vehicle insurance residual market mechanisms, subject to the approval of the director; or

(3) An insurance company that has a certificate of authority to do business in this state.

4. Every form of a policy, endorsement, rider, manual of classifications, rules, and rates; every rating plan; and every modification of any of them proposed to be used by the plan shall be approved by the director prior to use.

5. Any policy of insurance issued by the plan shall conform to the provisions of this chapter and any insurance law of this state applicable to motor vehicle insurance policies, except for any law that specifically exempts the plan from the purview of the law.

6. The plan shall:

(1) File annual audited financial reports for the preceding year with the director no later than June thirtieth of each year;

(2) Be subject to examination by the director under sections 374.205 to 374.207; and

(3) Have the authority to make assessments on member insurance companies if the funds from policyholder premiums and other revenues are not sufficient for the sound operation of the plan. An assessment upon a member insurance company shall be in the same proportion to its share of the voluntary market premium for the type of policies written under the plan. The procedures for levying assessment shall be prescribed in the plan of operation.

7. There shall be no liability imposed on the part of, and no cause of action of any nature shall arise against, any member insurer or any member of the governing committee for any omission or action taken by them in the performance of their powers and duties under this section.

376.782. MAMMOGRAPHY — LOW-DOSE SCREENING, DEFINED — HEALTH CARE POLICIES TO PROVIDE REQUIRED COVERAGE. — 1. As used in this section, the term "low-dose mammography screening" means the X-ray examination of the breast using equipment specifically designed and dedicated for mammography, including the X-ray tube, filter, compression device, **detector**, films, and cassettes, with an average radiation exposure delivery of less than one rad mid-breast, with two views for each breast, and any fee charged by a radiologist or other physician for reading, interpreting or diagnosing based on such X-ray. As used in this section, the term "low-dose mammography screening" shall also include digital mammography and breast tomosynthesis. As used in this section, the term "breast tomosynthesis" shall mean a radiologic procedure that involves the acquisition of projection images over the stationary breast to produce cross-sectional digital three-dimensional images of the breast.

2. All individual and group health insurance policies providing coverage on an expense-incurred basis, individual and group service or indemnity type contracts issued by a nonprofit corporation, individual and group service contracts issued by a health maintenance organization, all self-insured group arrangements to the extent not preempted by federal law and all managed health care delivery entities of any type or description, that are delivered, issued for delivery, continued or renewed on or after August 28, 1991, and providing coverage to any resident of this state shall provide benefits or coverage for low-dose mammography screening for any nonsymptomatic woman covered under such

policy or contract which meets the minimum requirements of this section. Such benefits or coverage shall include at least the following:

- (1) A baseline mammogram for women age thirty-five to thirty-nine, inclusive;
- (2) A mammogram every year for women age forty and over;
- (3) A mammogram **every year** for any woman[, upon the recommendation of a physician, where such woman, her mother or her sister has a prior history of breast cancer] **deemed by a treating physician to have an above-average risk for breast cancer in accordance with the American College of Radiology guidelines for breast cancer screening;**
- (4) Any additional or supplemental imaging, such as breast magnetic resonance imaging or ultrasound, **deemed medically necessary by a treating physician for proper breast cancer screening or evaluation in accordance with applicable American College of Radiology guidelines; and**
- (5) Ultrasound or magnetic resonance imaging services, if determined by a treating physician to be medically necessary for the screening or evaluation of breast cancer for any woman deemed by the treating physician to have an above-average risk for breast cancer in accordance with American College of Radiology guidelines for breast cancer screening.

3. Coverage and benefits [related to mammography as] required [by] **under** this section shall be at least as favorable and subject to the same dollar limits, deductibles, and co-payments as other radiological examinations; provided, however, that on and after January 1, 2019, providers of [low-dose mammography screening] **health care services specified under this section** shall be reimbursed at rates accurately reflecting the resource costs specific to each modality, including any increased resource cost [of breast tomosynthesis].

376.1590. STATUS AS LIVING ORGAN DONOR NOT SOLE FACTOR FOR INSURANCE COVERAGE. — 1. As used in this section, the term "insurance policy" means a policy or other contract of life insurance as such term is defined in section 376.365, a policy of accident and sickness insurance as such term is defined in section 376.773, or a long-term care insurance policy as such term is defined in section 376.1100.

2. Notwithstanding any provision of law to the contrary, a person's status as a living organ donor shall not be the sole factor in the offering, issuance, cancellation, price, or conditions of an insurance policy, nor in the amount of coverage provided under an insurance policy.

3. (1) The department of commerce and insurance shall provide information to the public on the access of a living organ donor to insurance as specified in this section. If the department of commerce and insurance receives materials related to live organ donation from a recognized live organ donation organization, the department of commerce and insurance may make the materials available to the public.

(2) If the department of health and senior services receives materials related to live organ donation from a recognized live organ donation organization, the department of health and senior services may make the materials available to the public.

(3) The department of commerce and insurance and the department of health and senior services may seek and accept gifts, grants, or donations from private or public sources for the purposes of this subsection.

4. The director of the department of commerce and insurance may promulgate rules as necessary for the implementation of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective

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date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2020, shall be invalid and void.

379.402. PROPERTY AND CASUALTY INSURANCE, FREE OR DISCOUNTED PRODUCTS OR SERVICES PERMITTED, WHEN — RULEMAKING AUTHORITY. — 1. A producer or insurer, by or through its employees, affiliates, or authorized third parties, may offer or provide products or services in conjunction with a policy of property and casualty insurance for free, at a discount, or at market value, if such products or services are intended to:

- (1) Prevent or mitigate loss to persons or property;
- (2) Provide loss control;
- (3) Reduce rates or claims;
- (4) Educate about risk of loss to persons or property;
- (5) Monitor or assess risk, identify sources of risk, or develop strategies for eliminating or reducing risks; or
- (6) Provide post-loss services.

2. A producer or insurer may offer or provide gifts, goods, or merchandise that contain advertising or promotion of the producer or insurer to policyholders, prospective policyholders, or members of the public.

3. A product or service offered or provided as described under subsection 1 or 2 of this section shall not be considered an inducement to insurance, a rebate, or any other impermissible consideration as those terms are used in section 379.356 and subdivision (9) of section 375.936. The offer or provision of products or services described in subsection 1 or 2 of this section shall not be required in the contract or policy form filings.

4. The director may promulgate rules to exempt, but not restrict, additional categories of products or services under this section with regard to the provisions of section 379.356 and subdivision (9) of section 375.936 that prohibit insurers, employees of an insurer, affiliates, insurance producers, or other third parties from giving rebates, discounts, gifts, or other valuable consideration as an inducement to insurance. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2020, shall be invalid and void.

379.404. COMMERCIAL PROPERTY AND CASUALTY INSURANCE — REBATES, DISCOUNTS, GIFTS PROHIBITIONS NOT APPLICABLE, EXCEPTION TO EXCLUSION. — The provisions of section 379.356 and subdivision (9) of section 375.936 that prohibit a producer or insurer from giving rebates, discounts, gifts, or other valuable consideration as an inducement to insurance shall not apply to commercial property and casualty insurance. The exclusion provided under this section shall not apply to producer commission reductions not included in insurance company rate filings.

379.860. ADMINISTRATION OF PROGRAM — GOVERNING COMMITTEE, MEMBERS, VACANCIES — IMMUNITY FROM LIABILITY, WHEN. — 1. This program shall be administered by

a governing committee (hereinafter referred to as "the committee") of the facility, subject to the supervision of the director, and operated by a manager appointed by the committee.

2. The committee shall consist of thirteen members:

(1) Ten members shall be elected [from the following:

American Insurance Association, two;

Property Casualty Insurers Association of America, two;

National Association of Mutual Insurance Companies, one;

Missouri Insurance Coalition, one;

All other stock insurers, two;

All other nonstock insurers, two] **as prescribed in the plan of operation;**

(2) Three members shall be appointed by the director from each of the following:

Missouri insurer, one;

Licensed agent of an insurer, two.

Not more than one insurer in a group under the same management or ownership shall serve on the committee at the same time.

3. In case of a vacancy on the governing committee the director shall appoint a representative to such vacancy pending the designation or election as provided in the program.

4. There shall be no liability imposed on the part of and no cause of action of any nature shall arise against any member insurer or any member of the governing committee for any omission or action taken in the performance of their powers and duties under sections 379.810 to 379.880.

383.155. ASSOCIATION CREATED, WHEN — LIMITS OF COVERAGE — PLAN OF OPERATION, WHEN DUE, CONTENTS OF, AMENDED, HOW — IMMUNITY FROM LIABILITY, WHEN. — 1. A joint underwriting association may be created upon determination by the director after a public hearing that medical malpractice liability insurance is not reasonably available for health care providers in the voluntary market. The association shall contain as members all companies authorized to write and engaged in writing, on a direct basis, any insurance or benefit, the premium for which is included under the definition of "net direct premiums". Membership in the association shall be a condition of continued authority to do business in this state.

2. A plan of operation shall be adopted to be effective concurrently with the effective date of the association.

3. The association shall, pursuant to the provisions of sections 383.150 to 383.195 and the plan of operation, with respect to medical malpractice insurance, have the authority on behalf of its members:

(1) To issue, or to cause to be issued, policies of insurance to applicants, including incidental coverages and subject to limits as specified in the plan of operation but not to exceed one million dollars for each claimant under one policy and three million dollars for all claimants under one policy in any one policy year;

(2) To underwrite such insurance and to adjust and pay losses with respect thereto, or to appoint a service company to perform those functions;

(3) To assume reinsurance from its members; and

(4) To cede reinsurance.

4. Within forty-five days following the creation of the association, the directors of the association shall submit to the director for his **or her** review, a proposed plan of operation, consistent with the provisions of sections 383.150 to 383.195.

5. The plan of operation shall provide for economic, fair and nondiscriminatory administration and for the prompt and efficient distribution of medical malpractice insurance, and shall contain other provisions including, but not limited to, preliminary assessment of all members for initial expenses to

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commence operations, establishment of necessary facilities, management of the association, assessment of members to defray losses and expenses, reasonable and objective underwriting standards, acceptance and cession of reinsurance, appointment of a servicing company and procedures for determining amounts of insurance to be provided by the association. The preliminary assessment shall be an advance to be recouped under the provisions of subsection 5 of section 383.160.

6. The composition of the board and the terms of directors of the board shall be established by the plan of operation.

7. The plan of operation shall be subject to approval by the director after consultation with the members of the association, representatives of the public and other affected individuals and organizations. If the director disapproves all or any part of the proposed plan of operation, the directors shall within fifteen days submit for review a revised plan of operation. If the directors fail to do so, the director shall promulgate a plan of operation or part thereof, as the case may be. The plan of operation approved or promulgated by the director shall become effective and operational upon his **or her** order.

[7.] **8.** Amendments to the plan of operation may be made by the directors of the association, subject to the approval of the director or shall be made at his direction.

9. There shall be no liability imposed on the part of and no cause of action of any nature shall arise against any member insurer or any member of the board of directors for any omission or action taken by them in the performance of their powers and duties under sections 383.150 to 383.195.

383.160. POLICIES, PERIOD COVERED — FORM OF POLICY TO BE APPROVED — RATES, HOW REGULATED — ASSESSMENTS, HOW MADE — EXCESS FUNDS, DISPOSITION OF. — 1. All association policies of insurance shall be written [so as to apply to injury which results from acts or omissions occurring during the policy period] **to provide medical malpractice insurance coverage as prescribed by the plan of operation.** No policy form shall be used by the association unless it has been filed with the director and approved or thirty days have elapsed and he has not delivered to the board written disapproval of it as misleading or not in the public interest. The director shall have the power to disapprove any policy form previously approved if found by him after hearing to be misleading or not in the public interest.

2. Cancellation of the association's policies shall be governed by law.

3. The rates, rating plans, rating rules, rating classifications and territories applicable to the insurance written by the association and statistics relating thereto shall be subject to the casualty rate regulation law giving due consideration to the past and prospective loss and expense experience in medical malpractice insurance of all of the insurers, trends in the frequency and severity of losses, the investment income of the association, and such other information as the director may require. All rates shall be actuarially sound and shall be calculated to be self-supporting.

4. In the event sufficient funds are not available for the sound financial operation of the association, additional funds shall be raised by making an assessment on all member companies. Assessments shall be made against members in the proportion that the net direct premiums for the preceding calendar year of each member for each line of insurance requiring it to participate in said plan bear to the net direct premiums for the preceding calendar year of all members for such line of insurance; provided that, assessments made pursuant to sections 383.150 to 383.195 shall not exceed in any calendar year one percent of each member's net direct premiums attributable to the line or lines of insurance the writing of which requires it to be a member.

5. All members shall deduct the amount of any assessment from past or future premium taxes due but not yet paid the state.

6. Any funds which result from policyholder premiums and other revenues received in excess of those funds required for reserves, loss payments and expenses incurred and accrued at the end of any

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calendar year shall be paid proportionately to the general fund to the extent that credit against premium tax liability has been granted pursuant to subsection 5 and to members which have been assessed but have not received tax credits as provided in subsection 5.

383.175. BOARD OF DIRECTORS, COMPOSITION — EXPENSES, PAYMENT OF AUTHORIZED.

— The association shall be governed by a board of eight directors, to be appointed by the director for the terms specified in the plan of operation. [Two directors shall represent insurers which write bodily injury insurance in Missouri and are members of the Property Casualty Insurers Association of America, two shall represent insurers which write bodily injury insurance in Missouri and are members of the Missouri Insurance Coalition, two shall represent insurers which write bodily injury insurance in Missouri and are members of the American Insurance Association, and two shall represent insurers which write bodily injury insurance in Missouri but are not members of any of the foregoing trade associations] **The composition of the board of directors shall be established by the plan of operation.** The directors shall be reimbursed out of the administrative funds of the association only for necessary and actual expenses incurred for attending meetings of the governing board.

Approved July 14, 2020

SS SCS SB 569

Enacts provisions relating to victims of sexual offenses.

AN ACT to repeal section 595.220, RSMo, and to enact in lieu thereof five new sections relating to victims of sexual offenses.

SECTION

A Enacting clause.

- 192.2520 Citation of law — definitions — telehealth network for victims of sexual offenses, requirements — contracts — report, contents — fund established, use of moneys — rulemaking authority.
- 197.135 Forensic examinations, victims of sexual offense, requirements — waiver of telehealth requirements or this section, when — reimbursement of costs.
- 595.201 Sexual assault survivors' bill of rights — definitions.
- 595.202 Missouri rights of victims of sexual assault task force — members, duties — report — expiration date.
- 595.220 Forensic examinations, department of public safety to pay medical providers, when — minor may consent to examination, when — forms — collection kits — definitions — electronic evidence tracking system, requirements — unreported evidentiary collection kits — rulemaking authority.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Section 595.220, RSMo, is repealed and five new sections enacted in lieu thereof, to be known as sections 192.2520, 197.135, 595.201, 595.202, and 595.220, to read as follows:

192.2520. CITATION OF LAW — DEFINITIONS — TELEHEALTH NETWORK FOR VICTIMS OF SEXUAL OFFENSES, REQUIREMENTS — CONTRACTS — REPORT, CONTENTS — FUND

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
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ESTABLISHED, USE OF MONEYS — RULEMAKING AUTHORITY. — 1. Sections 192.2520 and 197.135 shall be known and may be cited as the "Justice for Survivors Act".

2. As used in this section, the following terms shall mean:

- (1) "Appropriate medical provider", the same meaning as used in section 595.220;
- (2) "Department", the department of health and senior services;
- (3) "Evidentiary collection kit", the same meaning as used in section 595.220;
- (4) "Forensic examination", the same meaning as used in section 595.220;
- (5) "Telehealth", the same meaning as used in section 191.1145.

3. No later than July 1, 2022, there shall be established within the department a statewide telehealth network for forensic examinations of victims of sexual offenses in order to provide access to sexual assault nurse examiners (SANE) or other similarly trained appropriate medical providers. A statewide coordinator for the telehealth network shall be selected by the director of the department of health and senior services and shall have oversight responsibilities and provide support for the training programs offered by the network, as well as the implementation and operation of the network.

4. The network shall provide mentoring and educational training services, including:

- (1) Conducting a forensic examination of a victim of a sexual offense, in accordance with best practices, while utilizing an evidentiary collection kit;
- (2) Proper documentation, transmission, and storage of the examination evidence;
- (3) Utilizing trauma-informed care to address the needs of victims;
- (4) Utilizing telehealth technology while conducting a live examination; and
- (5) Providing ongoing case consultation and serving as an expert witness in event of a trial.

The network shall, in the mentoring and educational training services provided, emphasize the importance of obtaining a victim's informed consent to evidence collection, including issues involving minor consent, and the scope and limitations of confidentiality regarding information gathered during the forensic examination.

5. The training offered may be made available both online or in person, including the use of video conferencing technology to connect trained interdisciplinary experts with providers in a case-based learning environment.

6. The network shall, through telehealth services available twenty-four hours a day, seven days a week, by a SANE or another similarly trained appropriate medical provider, provide mentoring, consultation services, guidance, and technical assistance to appropriate medical providers during and outside of a forensic examination of a victim of a sexual offense. The network shall ensure that the system through which the network provides telehealth services meets national standards for interoperability to connect to telehealth systems.

7. The department may consult and enter into any necessary contracts with any other local, state, or federal agency, institution of higher education, or private entity to carry out the provisions of this section, including, but not limited to, a contract to:

- (1) Develop, implement, maintain, or operate the network;
- (2) Train and provide technical assistance to appropriate medical providers on conducting forensic examinations of victims of sexual offenses and the use of telehealth services; and
- (3) Provide consultation, guidance, or technical assistance to appropriate medical providers using telehealth services during a forensic examination of a victim of a sexual offense.

8. Beginning October 1, 2021, and each year thereafter, all hospitals licensed under chapter 197 shall report to the department the following information for the previous year:

- (1) The number of forensic examinations of victims of a sexual offense performed at the hospital;

(2) The number of forensic examinations of victims of a sexual offense requested to be performed by a victim of a sexual offense that the hospital did not perform and the reason why the examination was not performed;

(3) The number of evidentiary collection kits submitted to a law enforcement agency for testing; and

(4) After July 1, 2022, the number of appropriate medical providers employed at or contracted with the hospital who utilized the training and telehealth services provided by the network.

The information reported under this subsection and subsection 9 of this section shall not include any personally identifiable information of any victim of a sexual offense or any appropriate medical provider performing a forensic examination of such victim.

9. Beginning January 1, 2022, and each year thereafter, the department shall make publicly available a report that shall include the information submitted under subsection 8 of this section. The report shall also include, in collaboration with the department of public safety, information about the number of evidentiary collection kits submitted by a person or entity outside of a hospital setting, as well as the number of appropriate medical providers utilizing the training and telehealth services provided by the network outside of a hospital setting.

10. (1) The funding for the network shall be subject to appropriations. In addition to appropriations from the general assembly, the department shall apply for available grants and shall be able to accept other gifts, grants, bequests, and donations to develop and maintain the network and the training offered by the network.

(2) There is hereby created in the state treasury the "Justice for Survivors Telehealth Network Fund", which shall consist of any gifts, grants, bequests, and donations accepted under this subsection. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and money in the fund shall be used solely by the department for the purpose of developing and maintaining the network and the training offered by the network. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

11. The department shall promulgate rules and regulations in order to implement the provisions of this section, including, but not limited to, the following:

(1) The operation of a statewide telehealth network for forensic examinations of victims of sexual offenses;

(2) The development of training for appropriate medical providers conducting a forensic examination of a victim of a sexual offense; and

(3) Maintenance of records and data privacy and security of patient information.

Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2020, shall be invalid and void.

197.135. FORENSIC EXAMINATIONS, VICTIMS OF SEXUAL OFFENSE, REQUIREMENTS — WAIVER OF TELEHEALTH REQUIREMENTS OR THIS SECTION, WHEN — REIMBURSEMENT OF

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COSTS. — 1. Beginning January 1, 2023, any hospital licensed under this chapter shall perform a forensic examination using an evidentiary collection kit upon the request and consent of the victim of a sexual offense, or the victim's guardian, when the victim is at least fourteen years of age. In the case of minor consent, the provisions of subsection 2 of section 595.220 shall apply. Victims under fourteen years of age shall be referred to a SAFE CARE provider, as such term is defined in section 334.950, for medical or forensic evaluation and case review. Nothing in this section shall be interpreted to preclude a hospital from performing a forensic examination for a victim under fourteen years of age upon the request and consent of the victim or victim's guardian, subject to the provisions of section 595.220 and the rules promulgated by the department of public safety.

2. An appropriate medical provider, as such term is defined in section 595.220, shall perform the forensic examination of a victim of a sexual offense. The hospital shall ensure that any provider performing the examination has received training conducting such examinations that is, at a minimum, equivalent to the training offered by the statewide telehealth network under subsection 4 of section 192.2520. If the provider is not a sexual assault nurse examiner (SANE), or another similarly trained physician or nurse, then the hospital shall utilize telehealth services during the examination, such as those provided by the statewide telehealth network, to provide guidance and support through a SANE, or other similarly trained physician or nurse, who may observe the live forensic examination and who shall communicate with and support the onsite provider with the examination, forensic evidence collection, and proper transmission and storage of the examination evidence.

3. The department of health and senior services may issue a waiver of the telehealth requirements of subsection 2 of this section if the hospital demonstrates to the department, in writing, a technological hardship in accessing telehealth services or a lack of access to adequate broadband services sufficient to access telehealth services. Such waivers shall be granted sparingly and for no more than a year in length at a time, with the opportunity for renewal at the department's discretion.

4. The department shall waive the requirements of this section if the statewide telehealth network established under section 192.2520 ceases operation, the director of the department of health and senior services has provided written notice to hospitals licensed under this chapter that the network has ceased operation, and the hospital cannot, in good faith, comply with the requirements of this section without assistance or resources of the statewide telehealth network. Such waiver shall remain in effect until such time as the statewide telehealth network resumes operation or until the hospital is able to demonstrate compliance with the provisions of this section without the assistance or resources of the statewide telehealth network.

5. The provisions of section 595.220 shall apply to the reimbursement of the reasonable costs of the examinations and the provision of the evidentiary collection kits.

595.201. SEXUAL ASSAULT SURVIVORS' BILL OF RIGHTS — DEFINITIONS. — 1. This section shall be known and may be cited as the "Sexual Assault Survivors' Bill of Rights".

2. The rights provided to survivors in this section attach whenever a survivor is subject to a forensic examination, as provided in section 595.220; and whenever a survivor is subject to an interview by a law enforcement official, prosecuting attorney, or defense attorney. A survivor retains all the rights of this section at all times regardless of whether the survivor agrees to participate in the criminal justice system or in family court; and regardless of whether the survivor consents to a forensic examination to collect sexual assault forensic evidence. The following rights shall be afforded to sexual assault survivors:

(1) A survivor has the right to consult with an employee or volunteer of a rape crisis center during any forensic examination that are subject to confidentiality requirements pursuant to section 455.003, as well as the right to have a support person of the survivor's choosing present, subject to federal regulations as provided in 42 CFR 482; and during any interview by a law enforcement official, prosecuting attorney, or defense attorney. A survivor retains this right even if the survivor has waived the right in a previous examination or interview;

(2) Reasonable costs incurred by a medical provider for the forensic examination portion of the examination of a survivor shall be paid by the department of public safety, out of appropriations made for that purpose, as provided under section 595.220. Evidentiary collection kits shall be developed and made available, subject to appropriations, to appropriate medical providers by the highway patrol or its designees and eligible crime laboratories. All appropriate medical provider charges for eligible forensic examinations shall be billed to and paid by the department of public safety;

(3) Before a medical provider commences a forensic examination of a survivor, the medical provider shall provide the survivor with a document to be developed by the department of public safety that explains the rights of survivors, pursuant to this section, in clear language that is comprehensible to a person proficient in English at the fifth grade level, accessible to persons with visual disabilities, and available in all major languages of the state. This document shall include, but is not limited to:

(a) The survivor's rights pursuant to this section and other rules and regulations by the department of public safety and the department of health and senior services, which shall be signed by the survivor of sexual assault to confirm receipt;

(b) The survivor's right to consult with an employee or volunteer of a rape crisis center, to be summoned by the medical provider before the commencement of the forensic examination, unless no employee or volunteer of a rape crisis center can be summoned in a reasonably timely manner, and to have present at least one support person of the victim's choosing;

(c) If an employee or volunteer of a rape crisis center or a support person cannot be summoned in a timely manner, the ramifications of delaying the forensic examination; and

(d) After the forensic examination, the survivor's right to shower at no cost, unless showering facilities are not reasonably available;

(4) Before commencing an interview of a survivor, a law enforcement officer, prosecuting attorney, or defense attorney shall inform the survivor of the following:

(a) The survivor's rights pursuant to this section and other rules and regulations by the department of public safety and the department of health and senior services, which shall be signed by the survivor of sexual assault to confirm receipt;

(b) The survivor's right to consult with an employee or volunteer of a rape crisis center during any interview by a law enforcement official, prosecuting attorney, or defense attorney, to be summoned by the interviewer before the commencement of the interview, unless no employee or volunteer of a rape crisis center can be summoned in a reasonably timely manner;

(c) The survivor's right to have a support person of the survivor's choosing present during any interview by a law enforcement officer, prosecuting attorney, or defense attorney, unless the law enforcement officer, prosecuting attorney, or defense attorney determines in his or her good faith professional judgment that the presence of that individual would be detrimental to the purpose of the interview; and

(d) For interviews by a law enforcement officer, the survivor's right to be interviewed by a law enforcement official of the gender of the survivor's choosing. If no law enforcement official of that gender is reasonably available, the survivor shall be interviewed by an available law enforcement official only upon the survivor's consent;

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(5) The right to counsel during an interview by a law enforcement officer or during any interaction with the legal or criminal justice systems within the state;

(6) A law enforcement official, prosecuting attorney, or defense attorney shall not, for any reason, discourage a survivor from receiving a forensic examination;

(7) A survivor has the right to prompt analysis of sexual assault forensic evidence, as provided under section 595.220;

(8) A survivor has the right to be informed, upon the survivor's request, of the results of the analysis of the survivor's sexual assault forensic evidence, whether the analysis yielded a DNA profile, and whether the analysis yielded a DNA match, either to the named perpetrator or to a suspect already in CODIS. The survivor has the right to receive this information through a secure and confidential message in writing from the crime laboratory so that the survivor can call regarding the results;

(9) A defendant or person accused or convicted of a crime against a survivor shall have no standing to object to any failure to comply with this section, and the failure to provide a right or notice to a survivor under this section may not be used by a defendant to seek to have the conviction or sentence set aside;

(10) The failure of a law enforcement agency to take possession of any sexual assault forensic evidence or to submit that evidence for analysis within the time prescribed under section 595.220 does not alter the authority of a law enforcement agency to take possession of that evidence or to submit that evidence to the crime laboratory, and does not alter the authority of the crime laboratory to accept and analyze the evidence or to upload the DNA profile obtained from that evidence into CODIS. The failure to comply with the requirements of this section does not constitute grounds in any criminal or civil proceeding for challenging the validity of a database match or of any database information, and any evidence of that DNA record shall not be excluded by a court on those grounds;

(11) No sexual assault forensic evidence shall be used to prosecute a survivor for any misdemeanor crimes or any misdemeanor crime pursuant to sections 579.015 to 579.185; or as a basis to search for further evidence of any unrelated misdemeanor crimes or any misdemeanor crime pursuant to sections 579.015 to 579.185, that shall have been committed by the survivor, except that sexual assault forensic evidence shall be admissible as evidence in any criminal or civil proceeding against the defendant or person accused;

(12) Upon initial interaction with a survivor, a law enforcement officer shall provide the survivor with a document to be developed by the department of public safety that explains the rights of survivors, pursuant to this section, in clear language that is comprehensible to a person proficient in English at the fifth grade level, accessible to persons with visual disabilities, and available in all major languages of the state. This document shall include, but is not limited to:

(a) A clear statement that a survivor is not required to participate in the criminal justice system or to receive a forensic examination in order to retain the rights provided by this section and other relevant law;

(b) Telephone and internet means of contacting nearby rape crisis centers and employees or volunteers of a rape crisis center;

(c) Forms of law enforcement protection available to the survivor, including temporary protection orders, and the process to obtain such protection;

(d) Instructions for requesting the results of the analysis of the survivor's sexual assault forensic evidence; and

(e) State and federal compensation funds for medical and other costs associated with the sexual assault and any municipal, state, or federal right to restitution for survivors in the event of a criminal trial;

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(13) A law enforcement official shall, upon written request by a survivor, furnish within fourteen days of receiving such request a free, complete, and unaltered copy of all law enforcement reports concerning the sexual assault, regardless of whether the report has been closed by the law enforcement agency;

(14) A prosecuting attorney shall, upon written request by a survivor, provide:

(a) Timely notice of any pretrial disposition of the case;

(b) Timely notice of the final disposition of the case, including the conviction, sentence, and place and time of incarceration;

(c) Timely notice of a convicted defendant's location, including whenever the defendant receives a temporary, provisional, or final release from custody, escapes from custody, is moved from a secure facility to a less secure facility, or re-enters custody; and

(d) A convicted defendant's information on a sex offender registry, if any;

(15) In either a civil or criminal case relating to the sexual assault, a survivor has the right to be reasonably protected from the defendant and persons acting on behalf of the defendant, as provided under section 595.209 and Article I, Section 32 of the Missouri Constitution;

(16) A survivor has the right to be free from intimidation, harassment, and abuse, as provided under section 595.209 and Article I, Section 32 of the Missouri Constitution;

(17) A survivor shall not be required to submit to a polygraph examination as a prerequisite to filing an accusatory pleading, as provided under 595.223, or to participating in any part of the criminal justice system;

(18) A survivor has the right to be heard through a survivor impact statement at any proceeding involving a post-arrest release decision, plea, sentencing, post-conviction release decision, or any other proceeding where a right of the survivor is at issue, as provided under section 595.229 and Article I, Section 32 of the Missouri Constitution.

3. For purposes of this section, the following terms mean:

(1) "CODIS", the Federal Bureau of Investigation's Combined DNA Index System that allows the storage and exchange of DNA records submitted by federal, state, and local DNA crime laboratories. The term "CODIS" includes the National DNA Index System administered and operated by the Federal Bureau of Investigation;

(2) "Crime", an act committed in this state which, regardless of whether it is adjudicated, involves the application of force or violence or the threat of force or violence by the offender upon the victim and shall include the crime of driving while intoxicated, vehicular manslaughter and hit and run; and provided, further, that no act involving the operation of a motor vehicle, except driving while intoxicated, vehicular manslaughter and hit and run, which results in injury to another shall constitute a crime for the purpose of this section, unless such injury was intentionally inflicted through the use of a motor vehicle. A crime shall also include an act of terrorism, as defined in 18 U.S.C. Section 2331, which has been committed outside of the United States against a resident of Missouri;

(3) "Crime laboratory", a laboratory operated or supported financially by the state, or any unit of city, county, or other local Missouri government that employs at least one scientist who examines physical evidence in criminal matters and provides expert or opinion testimony with respect to such physical evidence in a state court of law;

(4) "Disposition", the sentencing or determination of a penalty or punishment to be imposed upon a person convicted of a crime or found delinquent or against who a finding of sufficient facts for conviction or finding of delinquency is made;

(5) "Law enforcement official", a sheriff and his regular deputies, municipal police officer, or member of the Missouri state highway patrol and such other persons as may be designated by law as peace officers;

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Matter in bold-face type is proposed language.

(6) "Medical provider", any qualified health care professional, hospital, other emergency medical facility, or other facility conducting a forensic examination of the survivor;

(7) "Rape crisis center", any public or private agency that offers assistance to victims of sexual assault, as the term sexual assault is defined in section 455.010, who are adults, as defined by section 455.010, or qualified minors, as defined by section 431.056;

(8) "Restitution", money or services which a court orders a defendant to pay or render to a survivor as part of the disposition;

(9) "Sexual assault survivor", any person who is a victim of an alleged sexual offense under sections 566.010 to 566.223 and, if the survivor is incompetent, deceased, or a minor who is unable to consent to counseling services, the parent, guardian, spouse, or any other lawful representative of the survivor, unless such person is the alleged assailant;

(10) "Sexual assault forensic evidence", any human biological specimen collected by a medical provider during a forensic medical examination from an alleged survivor, as provided for in section 595.220, including, but not limited to, a toxicology kit;

(11) "Survivor", a natural person who suffers direct or threatened physical, emotional, or financial harm as the result of the commission or attempted commission of a crime. The term "victim" also includes the family members of a minor, incompetent or homicide victim.

595.202. MISSOURI RIGHTS OF VICTIMS OF SEXUAL ASSAULT TASK FORCE — MEMBERS, DUTIES — REPORT — EXPIRATION DATE. — 1. There is hereby created the "Missouri Rights of Victims of Sexual Assault Task Force" to consist of the following members:

(1) The following four members of the general assembly:

(a) Two members of the senate, with no more than one member from the same political party and each member to be appointed by the president pro tempore of the senate; and

(b) Two members of the house of representatives, with no more than one member from the same political party and each member to be appointed by the speaker of the house of representatives;

(2) The director of the department of health and senior services or his or her designee;

(3) A private citizen appointed by the governor;

(4) A representative of a statewide coalition against domestic and sexual violence appointed by the governor;

(5) A representative of rape crisis centers appointed by the governor;

(6) The superintendent of the Missouri highway patrol or his or her designee;

(7) A law enforcement officer appointed by the governor;

(8) The director of the Missouri highway patrol crime lab or his or her designee;

(9) An attorney appointed by the governor; and

(10) A representative of the Missouri Hospital Association.

2. The task force shall study nationally recognized best practices and make recommendations regarding:

(1) The development and implementation of an effective mechanism for submitting, tracking, and investigating complaints regarding the handling of, or response to, a sexual assault report or investigation by any agency or organization involved in the response;

(2) The development of documentation for medical providers and law enforcement officers, in conjunction with the department of public safety, to provide to survivors informing them of their rights pursuant to section 595.201;

(3) Whether a need exists for additional employees or volunteers of a rape crisis center for victims of sexual assault, and if such a need does exist, the task force shall:

(a) Create a plan for how the state can provide, in conjunction with rape crisis centers, victims' advocates organizations, and the department of health and senior services, additional employees or volunteers of a rape crisis center to meet the needs identified; and

(b) Determine the cost of funding such a plan;

(4) Whether a need exists to expand the right to an employee or volunteer of a rape crisis center beyond the medical examination and law enforcement interview settings, and if such a need does exist, the task force shall:

(a) Identify the scope and nature of the need; and

(b) Make recommendations on how best to fill that need, whether legislatively or otherwise;

(5) Whether a need exists to provide for ongoing evaluation of the implementation of these rights, and if such a need does exist, the task force shall:

(a) Identify the scope and nature of the need; and

(b) Make recommendations on how best to fill that need, whether legislatively or otherwise.

3. The task force shall:

(1) Collect data regarding sexual assault reporting, arrests, prosecution rates, access to sexual assault victims services, and any other data important for its deliberations and recommendations; and

(2) Collect feedback from stakeholders, practitioners, and leadership throughout the state and local law enforcement, victim services, forensic science practitioners, and health care communities to inform development of future best practices or clinical guidelines regarding the care and treatment of survivors.

4. The department of public safety shall provide administrative support to the task force.

5. On or before December 31, 2021, the task force shall submit a report on its findings to the governor and general assembly. The report shall include any dissenting opinions in addition to any majority opinions.

6. The task force shall expire on December 31, 2021.

595.220. FORENSIC EXAMINATIONS, DEPARTMENT OF PUBLIC SAFETY TO PAY MEDICAL PROVIDERS, WHEN — MINOR MAY CONSENT TO EXAMINATION, WHEN — FORMS — COLLECTION KITS — DEFINITIONS — ELECTRONIC EVIDENCE TRACKING SYSTEM, REQUIREMENTS — UNREPORTED EVIDENTIARY COLLECTION KITS — RULEMAKING AUTHORITY. — 1. The department of public safety shall make payments to appropriate medical providers, out of appropriations made for that purpose, to cover the reasonable charges of the forensic examination of persons who may be a victim of a sexual offense if:

(1) The victim or the victim's guardian consents in writing to the examination; and

(2) The report of the examination is made on a form approved by the attorney general with the advice of the department of public safety.

The department shall establish maximum reimbursement rates for charges submitted under this section, which shall reflect the reasonable cost of providing the forensic exam.

2. A minor may consent to examination under this section. Such consent is not subject to disaffirmance because of minority, and consent of parent or guardian of the minor is not required for such examination. The appropriate medical provider making the examination shall give written notice to the parent or guardian of a minor that such an examination has taken place.

3. The department of public safety, with the advice of the attorney general, shall develop the forms and procedures for gathering, transmitting, and storing evidence during and after the forensic examination under the provisions of this section. The department of health and senior services shall develop a checklist, protocols, and procedures for appropriate medical providers to refer to while

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providing medical treatment to victims of a sexual offense, including those specific to victims who are minors. The procedures for transmitting and storing examination evidence shall include the following requirements:

(1) An appropriate medical provider shall provide electronic notification to the appropriate law enforcement agency when the provider has a reported or anonymous evidentiary collection kit;

(2) Within fourteen days of notification from the appropriate medical provider, the law enforcement agency shall take possession of the evidentiary collection kit;

(3) Within fourteen days of taking possession, the law enforcement agency shall provide the evidentiary collection kit to a laboratory;

(4) A law enforcement agency shall secure an evidentiary collection kit for a period of thirty years if the offense has not been adjudicated.

4. Evidentiary collection kits shall be developed and made available, subject to appropriation, to appropriate medical providers by the highway patrol or its designees and eligible crime laboratories. Such kits shall be distributed with the forms and procedures for gathering evidence during forensic examinations of victims of a sexual offense to appropriate medical providers upon request of the provider, in the amount requested, and at no charge to the medical provider. All appropriate medical providers shall, with the written consent of the victim, perform a forensic examination using the evidentiary collection kit, or other collection procedures developed for victims who are minors, and forms and procedures for gathering evidence following the checklist for any person presenting as a victim of a sexual offense.

5. In reviewing claims submitted under this section, the department shall first determine if the claim was submitted within ninety days of the examination. If the claim is submitted within ninety days, the department shall, at a minimum, use the following criteria in reviewing the claim: examination charges submitted shall be itemized and fall within the definition of forensic examination as defined in subdivision (6) of subsection 8 of this section.

6. All appropriate medical provider charges for eligible forensic examinations shall be billed to and paid by the department of public safety. No appropriate medical provider conducting forensic examinations and providing medical treatment to victims of sexual offenses shall charge the victim for the forensic examination. For appropriate medical provider charges related to the medical treatment of victims of sexual offenses, if the victim is an eligible claimant under the crime victims' compensation fund, the victim shall seek compensation under sections 595.010 to 595.075.

7. The department of public safety shall establish rules regarding the reimbursement of the costs of forensic examinations for children under fourteen years of age, including establishing conditions and definitions for emergency and nonemergency forensic examinations and may by rule establish additional qualifications for appropriate medical providers performing nonemergency forensic examinations for children under fourteen years of age. The department shall provide reimbursement regardless of whether or not the findings indicate that the child was abused.

8. For purposes of this section, the following terms mean:

(1) "Anonymous evidentiary collection kit", an evidentiary collection kit collected from a victim[, or his or her designee,] **who wishes to remain anonymous, but** who has consented, **or his or her designee has consented on his or her behalf,** to the collection of the evidentiary collection kit[, and to participate in the criminal justice process], but who wishes to remain anonymous];

(2) "Appropriate medical provider":

(a) Any licensed nurse, physician, or physician assistant, and any institution employing licensed nurses, physicians, or physician assistants, provided that such licensed professionals are the only persons at such institution to perform tasks under the provisions of this section; or

(b) For the purposes of any nonemergency forensic examination of a child under fourteen years of age, the department of public safety may establish additional qualifications for any provider listed in paragraph (a) of this subdivision under rules authorized under subsection 7 of this section;

(3) **"Component", any piece of evidence that contains, or may contain, DNA related to the sexual offense for which the forensic examination was performed and that is not stored or maintained within the evidentiary collection kit;**

(4) "Consent", the electronically documented authorization by the victim, or his or her designee, to allow the evidentiary collection kit to be analyzed;

[(4)] (5) "Emergency forensic examination", an examination of a person under fourteen years of age that occurs within five days of the alleged sexual offense. The department of public safety may further define the term emergency forensic examination by rule;

[(5)] (6) "Evidentiary collection kit", a kit used during a forensic examination that includes materials necessary for appropriate medical providers to gather evidence in accordance with the forms and procedures developed by the department of public safety for forensic examinations;

[(6)] (7) "Forensic examination", an examination performed by an appropriate medical provider on a victim of an alleged sexual offense to gather evidence for the evidentiary collection kit or using other collection procedures developed for victims who are minors;

[(7)] (8) "Medical treatment", the treatment of all injuries and health concerns resulting directly from a patient's sexual assault or victimization;

[(8)] (9) "Nonemergency forensic examination", an examination of a person under fourteen years of age that occurs more than five days after the alleged sexual offense. The department of public safety may further define the term nonemergency forensic examination by rule;

[(9)] (10) "Reported evidentiary collection kit", an evidentiary collection kit collected from a victim, or his or her designee, who has consented to the collection of the evidentiary collection kit and has consented to participate in the criminal justice process;

[(10)] (11) "Unreported evidentiary collection kit", an evidentiary collection kit collected from a victim, or his or her designee, who has consented to the collection of the evidentiary collection kit but has not consented to participate in the criminal justice process.

9. The attorney general shall establish protocols and an electronic platform to implement an electronic evidence tracking system that:

(1) Identifies, documents, records, and tracks evidentiary collection kits and their components, including individual specimen containers, through their existence from forensic examination, to possession by a law enforcement agency, to testing, to use as evidence in criminal proceedings, and until disposition of such proceedings;

(2) Assigns a unique alphanumeric identifier to each respective evidentiary collection kit, and all its respective components, and to each respective person, or his or her designees, who may handle an evidentiary test kit;

(3) Links the identifiers of an evidentiary collection kit and its components, which shall be machine-readable indicia;

(4) Allows each person, or his or her designees, who is properly credentialed to handle an evidentiary test kit to check the status of an evidentiary test kit or its components and to save a portfolio of identifiers so that the person, or his or her designees, may track, obtain reports, and receive updates [of] **on** the status of evidentiary collection kits or their components; and

(5) Allows sexual assault victims, or their designees, [access in order to monitor the current status of their evidentiary test kit] **to track and obtain reports on the status and location of their evidentiary collection kits. This shall be a secured web-based or similar electronic-based communications system that shall require sexual assault victims, or their designees, to register to access tracking and reports of their evidentiary collection kits.**

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10. Appropriate medical providers, law enforcement agencies, laboratories, court personnel, persons or entities involved in the final disposition or destruction of evidentiary collection kits, and all other entities which and persons who have custody of evidentiary collection kits shall participate in the electronic evidence tracking system.

11. The department of public safety, with the advice of the attorney general and the assistance of the department of health and senior services, shall develop and retain within the state a central repository for unreported evidentiary collection kits, where such kits can be kept in a temperature-controlled environment that preserves the integrity of the evidence and diminishes degradation. Unreported evidentiary collection kits shall be retained for a period of five years. In the case of a minor under the age of eighteen when the unreported kit was collected, the unreported evidentiary kit shall be retained for a period of five years after the victim attains the age of eighteen.

12. Records entered into the electronic evidence tracking system shall be confidential and shall not be subject to disclosure under chapter 610.

13. The department shall have authority to promulgate rules and regulations necessary to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.

Approved July 13, 2020

SS No. 2 SCS SB 591

Enacts provisions relating to civil actions, with existing penalty provisions.

AN ACT to repeal sections 407.020, 407.025, 510.263, 510.265, 538.205, and 538.210, RSMo, and to enact in lieu thereof eight new sections relating to civil actions, with existing penalty provisions.

SECTION

- A Enacting clause.
- 407.020 Unlawful practices, penalty — exceptions.
- 407.025 Civil action to recover damages — class actions authorized, when — procedure.
- 510.261 Punitive damages, restrictions on award of — proper award, when — civil actions, initial pleading not to contain claim for punitive damage award.
- 510.263 Bifurcated trial, when, procedure — post-trial motion for credit on punitive damages, procedure — credit not allowed, when — doctrine of remittitur and additur applied to awards — discovery.
- 510.265 Limitations on punitive damages in certain cases.
- 538.205 Definitions.
- 538.210 No common law cause of action — limitation on noneconomic damages — jury not to be informed of limit — limit — punitive damages, requirements — annual increase on damages limit, amount — nonseverability clause.
- 1 Applicability of certain statute changes for cases filed after August 28, 2020.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
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Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 407.020, 407.025, 510.263, 510.265, 538.205, and 538.210, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as sections 407.020, 407.025, 510.261, 510.263, 510.265, 538.205, 538.210, and 1, to read as follows:

407.020. UNLAWFUL PRACTICES, PENALTY — EXCEPTIONS. — 1. The act, use or employment by any person of any deception, fraud, false pretense, false promise, misrepresentation, unfair practice or the concealment, suppression, or omission of any material fact in connection with the sale or advertisement of any merchandise in trade or commerce or the solicitation of any funds for any charitable purpose, as defined in section 407.453, in or from the state of Missouri, is declared to be an unlawful practice. The use by any person, in connection with the sale or advertisement of any merchandise in trade or commerce or the solicitation of any funds for any charitable purpose, as defined in section 407.453, in or from the state of Missouri of the fact that the attorney general has approved any filing required by this chapter as the approval, sanction or endorsement of any activity, project or action of such person, is declared to be an unlawful practice. Any act, use or employment declared unlawful by this subsection violates this subsection whether committed before, during or after the sale, advertisement or solicitation.

2. Nothing contained in this section shall apply to:

(1) The owner or publisher of any newspaper, magazine, publication or printed matter wherein such advertisement appears, or the owner or operator of a radio or television station which disseminates such advertisement when the owner, publisher or operator has no knowledge of the intent, design or purpose of the advertiser; [or]

(2) Any institution, company, or entity that is subject to chartering, licensing, or regulation by the director of the department of commerce and insurance under chapter 354 or chapters 374 to 385, the director of the division of credit unions under chapter 370, or director of the division of finance under chapters 361 to 369, or chapter 371, unless such directors specifically authorize the attorney general to implement the powers of this chapter or such powers are provided to either the attorney general or a private citizen by statute; **or**

(3) **Any advertisement, merchandise, or transaction in which the merchandise consists of a new residence in a transaction in which the buyer is offered and accepts in the sale contract an express warranty by the builder or through a third party warranty company paid for by the builder and the sale contract contains substantially the following disclaimer in all capital letters with characters of at least ten-point type: "THIS CONTRACT, MERCHANDISE AND PROPERTY CONVEYED UNDER THIS CONTRACT AND THE TRANSACTION BETWEEN THE SELLER AND BUYER IS EXCLUDED FROM COVERAGE UNDER THE MERCHANDISING PRACTICES ACT, SECTIONS 407.010 TO 407.130, RSMO.".** As used in this section, the term "residence" shall mean a single-family house, duplex, triplex, quadruplex, or a unit in a multiunit residential structure in which title to each individual unit is transferred to the owner under a condominium or cooperative system and shall include common areas and common elements as defined in subdivision (4) of section 448.1-103.

3. Any person who willfully and knowingly engages in any act, use, employment or practice declared to be unlawful by this section with the intent to defraud shall be guilty of a class E felony.

4. It shall be the duty of each prosecuting attorney and circuit attorney in their respective jurisdictions to commence any criminal actions under this section, and the attorney general shall have concurrent original jurisdiction to commence such criminal actions throughout the state where such violations have occurred.

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5. It shall be an unlawful practice for any long-term care facility, as defined in section 192.2300, except a facility which is a residential care facility or an assisted living facility, as defined in section 198.006, which makes, either orally or in writing, representation to residents, prospective residents, their families or representatives regarding the quality of care provided, or systems or methods utilized for assurance or maintenance of standards of care to refuse to provide copies of documents which reflect the facility's evaluation of the quality of care, except that the facility may remove information that would allow identification of any resident. If the facility is requested to provide any copies, a reasonable amount, as established by departmental rule, may be charged.

6. Any long-term care facility, as defined in section 192.2300, which commits an unlawful practice under this section shall be liable for damages in a civil action of up to one thousand dollars for each violation, and attorney's fees and costs incurred by a prevailing plaintiff, as allowed by the circuit court.

407.025. CIVIL ACTION TO RECOVER DAMAGES — CLASS ACTIONS AUTHORIZED, WHEN — PROCEDURE. — 1. **(1)** Any person who purchases or leases merchandise primarily for personal, family or household purposes and thereby suffers an ascertainable loss of money or property, real or personal, as a result of the use or employment by another person of a method, act or practice declared unlawful by section 407.020, may bring a private civil action in either the circuit court of the county in which the seller or lessor resides or in which the transaction complained of took place, to recover actual damages.

(2) A person seeking to recover damages shall establish:

(a) That the person acted as a reasonable consumer would in light of all circumstances;

(b) That the method, act, or practice declared unlawful by section 407.020 would cause a reasonable person to enter into the transaction that resulted in damages; and

(c) Individual damages with sufficiently definitive and objective evidence to allow the loss to be calculated with a reasonable degree of certainty.

A court may dismiss a claim as a matter of law where the claim fails to show a likelihood that the method, act, or practice alleged to be unlawful would mislead a reasonable consumer.

2. The court may, in its discretion[.];

(1) Award punitive damages [and may];

(2) Award to the prevailing party attorney's fees, based on the amount of time reasonably expended[.]; and [may]

(3) Provide such equitable relief as it deems necessary or proper to protect the prevailing party from the methods, acts, or practices declared unlawful by section 407.020.

3. No action may be brought under this section to recover damages for personal injury or death in which a claim can be made under chapter 538.

4. A cause of action under this section accrues on the date of purchase or lease described in subsection 1 of this section or upon receipt of notice of a method, act, or practice declared unlawful by section 407.020.

[2.] **5.** Persons entitled to bring an action pursuant to subsection 1 of this section may, if the unlawful method, act or practice has caused similar injury to numerous other persons, institute an action as representative or representatives of a class against one or more defendants as representatives of a class, and the petition shall allege such facts as will show that these persons or the named defendants specifically named and served with process have been fairly chosen and adequately and fairly represent the whole class, to recover damages as provided for in subsection 1 of this section. The plaintiff shall be required to prove such allegations, unless all of the members of the class have entered their appearance, and it shall not be sufficient to prove such facts by the admission or admissions of the

defendants who have entered their appearance. **The class representative or representatives shall establish:**

- (1) That the representative or representatives acted as a reasonable consumer would in light of all circumstances;**
- (2) That the method, act, or practice declared unlawful by section 407.020 would cause a reasonable person to enter into the transaction that resulted in damages; and**
- (3) Individual damages with sufficiently definitive and objective evidence to allow the loss to be calculated with a reasonable degree of certainty.**

All other members of the class shall establish individual damages in a manner determined by the court. In any action brought pursuant to this section, the court may in its discretion order, in addition to damages, injunction or other equitable relief and reasonable attorney's fees. **Attorney's fees, if awarded, shall bear a reasonable relationship to the amount of the judgment. When the judgment grants equitable relief, the attorney's fees shall be based on the amount of time reasonably expended.**

[3.] **6.** An action may be maintained as a class action in a manner consistent with Rule 23 of the Federal Rules of Civil Procedure and Missouri rule of civil procedure 52.08 to the extent such state rule is not inconsistent with the federal rule if:

- (1) The class is so numerous that joinder of all members is impracticable;
- (2) There are questions of law or fact common to the class;
- (3) The claims or defenses of the representative parties are typical of the claims or defenses of the class; and
- (4) The representative parties will fairly and adequately protect the interests of the class; and, in addition
 - (5) The prosecution of separate action by or against individual members of the class would create a risk of:
 - (a) Inconsistent or varying adjudications with respect to individual members of the class which would establish incompatible standards of conduct for the party opposing the class; or
 - (b) Adjudications with respect to individual members of the class which would as a practical matter be dispositive of the interests of the other members not parties to the adjudications or substantially impair or impede their ability to protect their interests; or
 - (6) The party opposing the class has acted or refused to act on grounds generally applicable to the class, thereby making appropriate final injunctive relief or corresponding declaratory relief with respect to the class as a whole; or
 - (7) The court finds that the questions of law or fact common to the members of the class predominate over any questions affecting only individual members, and that a class action is superior to other available methods for the fair and efficient adjudication of the controversy. The matters pertinent to the findings include:
 - (a) The interest of members of the class in individually controlling the prosecution or defense of separate actions;
 - (b) The extent and nature of any litigation concerning the controversy already commenced by or against members of the class;
 - (c) The desirability or undesirability of concentrating the litigation of the claims in the particular forum;
 - (d) The difficulties likely to be encountered in the management of a class action.

[4.] **7.** (1) As soon as practicable after the commencement of an action brought as a class action, the court shall determine by order whether it is to be so maintained. An order pursuant to this subdivision may be conditional, and may be altered or amended before the decision on the merits.

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(2) In any class action maintained pursuant to subdivision (7) of subsection [3] 6 of this section, the court shall direct to the members of the class the best notice practicable under the circumstances, including individual notice to all members who can be identified through reasonable effort. The notice shall advise each member that:

(a) The court will exclude such member from the class if such member so requests by a specified date;

(b) The judgment, whether favorable or not, will include all members who do not request exclusion; and

(c) Any member who does request exclusion may, if such member desires, enter an appearance through such member's counsel.

(3) The judgment in an action maintained as a class action pursuant to subdivision (5) of subsection [3] 6 of this section or subdivision (6) of subsection [3] 6 of this section, whether or not favorable to the class, shall include and describe those whom the court finds to be members of the class. The judgment in an action maintained as a class action pursuant to subdivision (7) of subsection [3] 6 of this section, whether or not favorable to the class, shall include and specify or describe those to whom the notice provided in subdivision (2) of this subsection was directed, and who have requested exclusion, and whom the court finds to be members of the class.

(4) When appropriate an action may be brought or maintained as a class action with respect to particular issues, or a class may be divided into subclasses and each subclass treated as a class, and the provisions of this section shall then be construed and applied accordingly.

[5.] 8. In the conduct of actions to which this section applies, the court may make appropriate orders:

(1) Determining the course of proceedings or prescribing measures to prevent undue repetition or complication in the presentation of evidence or argument;

(2) Requiring, for the protection of the members of the class or otherwise for the fair conduct of the action, that notice be given in such manner as the court may direct to some or all of the members of any step in the action, or of the proposed extent of the judgment, or of the opportunity of members to signify whether they consider the representation fair and adequate, to intervene and present claims or defenses, or otherwise to come into the action;

(3) Imposing conditions on the representative parties or on intervenors;

(4) Requiring that the pleadings be amended to eliminate therefrom allegations as to representation of absent persons, and that the action proceed accordingly;

(5) Dealing with similar procedural matters.

[6.] 9. A class action shall not be dismissed or compromised without the approval of the court, and notice of the proposed dismissal or compromise shall be given to all members of the class in such manner as the court directs.

[7.] 10. Upon commencement of any action brought pursuant to subsection 1 of this section, the plaintiff or plaintiffs shall inform the clerk of the court in which such action is brought, on forms to be provided by such clerk, that the action is brought pursuant to this section. The clerk of the court shall forthwith inform the attorney general of the commencement of such action, together with a copy of the complaint or other initial pleading, and, upon entry of any judgment or decree in the action, the clerk shall mail a copy of such judgment or decree to the attorney general.

[8.] 11. Any permanent injunction, judgment or order of the court made pursuant to section 407.100 shall be prima facie evidence in an action brought pursuant to this section that the respondent used or employed a method, act or practice declared unlawful by section 407.020.

510.261. PUNITIVE DAMAGES, RESTRICTIONS ON AWARD OF — PROPER AWARD, WHEN — CIVIL ACTIONS, INITIAL PLEADING NOT TO CONTAIN CLAIM FOR PUNITIVE DAMAGE AWARD.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

— 1. Except as otherwise provided by statute, punitive damages shall not be awarded unless the claimant proves by clear and convincing evidence that the defendant intentionally harmed the plaintiff without just cause or acted with a deliberate and flagrant disregard for the safety of others.

2. Punitive damages may only be recovered if the trier of fact awards more than nominal damages or if the claim or claims for which nominal damages are solely awarded invoke privacy rights, property rights, or rights protected by the Constitution of the United States or the Constitution of the state of Missouri.

3. Punitive damages can properly be awarded against an employer or other principal because of an act by an agent if, but only if:

(1) The principal or a managerial agent of the principal authorized the doing and the manner of the act;

(2) The agent was unfit and the principal or a managerial agent of the principal was reckless in employing or retaining him or her;

(3) The agent was employed in a managerial capacity and was acting in the scope of employment; or

(4) The principal or a managerial agent of the principal ratified or approved the act.

4. When an employer admits liability for the actions of an agent in a claim for compensatory damages, the court shall grant limited discovery consisting only of employment records and documents or information related to the agent's qualifications.

5. No initial pleading in a civil action shall contain a claim for a punitive damage award. Any later pleading containing a claim for a punitive damage award may be filed only with leave of the court. A trial court may grant leave to file such a pleading only on written motion by the claimant, filed no later than one hundred twenty days prior to the final pretrial conference in the case or, if there is no scheduled pretrial conference, one hundred twenty days prior to the date set for trial, that is supported by affidavits, exhibits, or discovery materials establishing a reasonable basis for recovery of punitive damages. Any party opposing leave may file affidavits, exhibits, or discovery materials demonstrating that the standards for a punitive damage award pursuant to this section have not been established. If the trial court concludes, following its review of all materials submitted in connection with the motion, that based on the evidence to be admitted at trial a trier of fact could reasonably conclude, based on clear and convincing evidence, that the standards for a punitive damage award contained in this section have been met, the court shall grant leave to file the pleading seeking a punitive damage award. The court shall rule on a motion for leave to file a pleading seeking punitive damages no later than forty-five days after a hearing on the motion or, if no hearing is held on the motion, after the party opposing the motion has filed its response to the motion. The responsive pleading shall be limited to responding to the newly amended punitive damages claim.

6. The amount of punitive damages shall not be based, in whole or in part, on harm to nonparties.

7. No judgment that includes a punitive damage award shall be entered in any civil action in any court of this state, or in any court in which claims are asserted based on the constitution, statutes, or common law of this state, unless the requirements and procedures for a punitive damage award contained in this section and sections 510.263 and 537.675 are met.

8. Except to the extent that they are expressly inconsistent with this section, all common law limitations on punitive damages and all limitations on the recovery of punitive damages contained in other sections of the laws of this state remain in full force and effect.

9. As used in this section, the term "punitive damage award" means an award for punitive or exemplary damages or an award for aggravating circumstances.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

510.263. BIFURCATED TRIAL, WHEN, PROCEDURE — POST-TRIAL MOTION FOR CREDIT ON PUNITIVE DAMAGES, PROCEDURE — CREDIT NOT ALLOWED, WHEN — DOCTRINE OF REMITTITUR AND ADDITUR APPLIED TO AWARDS — DISCOVERY. — 1. All actions tried before a jury involving punitive damages, including tort actions based upon improper health care, shall be conducted in a bifurcated trial before the same jury if requested by any party.

2. In the first stage of a bifurcated trial, in which the issue of punitive damages is submissible, the jury shall determine liability for compensatory damages, the amount of compensatory damages, including nominal damages, and the liability of a defendant for punitive damages. Evidence of defendant's financial condition shall not be admissible in the first stage of such trial unless admissible for a proper purpose other than the amount of punitive damages.

3. If during the first stage of a bifurcated trial the jury determines that a defendant is liable for punitive damages, that jury shall determine, in a second stage of trial, the amount of punitive damages to be awarded against such defendant. Evidence of such defendant's net worth shall be admissible during the second stage of such trial.

4. Within the time for filing a motion for new trial, a defendant may file a post-trial motion requesting the amount awarded by the jury as punitive damages be credited by the court with amounts previously paid **in any state or federal court** by the defendant for punitive damages arising out of the same conduct on which the imposition of punitive damages is based. At any hearing, the burden on all issues relating to such a credit shall be on the defendant and either party may introduce relevant evidence on such motion. Such a motion shall be determined by the trial court within the time and according to procedures applicable to motions for new trial. If the trial court sustains such a motion the trial court shall credit the jury award of punitive damages by the amount found by the trial court to have been previously paid by the defendant arising out of the same conduct and enter judgment accordingly. If the defendant fails to establish entitlement to a credit under the provisions of this section, or the trial court finds from the evidence that the defendant's conduct out of which the prior punitive [damages] **damage** award arose was not the same conduct on which the imposition of punitive damages is based in the pending action, or the trial court finds the defendant unreasonably continued the conduct after acquiring actual knowledge of the dangerous nature of such conduct, the trial court shall disallow such credit, or, if the trial court finds that the laws regarding punitive damages in the state **or federal court** in which the prior award of punitive damages was entered substantially and materially deviate from the law of the state of Missouri, **except with respect to section 537.675**, and that the nature of such deviation provides good cause for disallowance of the credit based on the public policy of Missouri, then the trial court may disallow all or any part of the credit provided by this section.

5. The credit allowable under this section shall not apply to causes of action for libel, slander, assault, battery, false imprisonment, criminal conversation, malicious prosecution or fraud.

6. The doctrines of remittitur and additur, based on the trial judge's assessment of the totality of the surrounding circumstances, shall apply to punitive damage awards.

7. As used in this section, "punitive damage award" means an award for punitive or exemplary damages or an award for aggravating circumstances.

8. Discovery as to a defendant's assets shall be allowed only after a [finding by the trial court that it is more likely than not that the plaintiff will be able to present a submissible case to the trier of fact on the plaintiff's claim of punitive damages] **trial court has granted leave to file a pleading seeking punitive damages in accordance with subsection 5 of section 510.261.**

510.265. LIMITATIONS ON PUNITIVE DAMAGES IN CERTAIN CASES. — 1. No award of punitive damages against any defendant shall exceed the greater of:

- (1) Five hundred thousand dollars; or

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

- (2) Five times the net amount of the judgment awarded to the plaintiff against the defendant.

Such limitations shall not apply if the state of Missouri is the plaintiff requesting the award of punitive damages, or the defendant pleads guilty to or is convicted of a felony arising out of the acts or omissions pled by the plaintiff.

2. The provisions of this section **and sections 510.261 and 510.263** shall not apply to civil actions brought under section 213.111 that allege a violation of section 213.040, 213.045, 213.050, or 213.070, to the extent that the alleged violation of section 213.070 relates to or involves a violation of section 213.040, 213.045, or 213.050, or subdivision (3) of subsection 1 of section 213.070 as it relates to housing.

538.205. DEFINITIONS. — As used in sections 538.205 to 538.230, the following terms shall mean:

- (1) "Catastrophic personal injury", a physical injury resulting in:
 - (a) Quadriplegia defined as the permanent loss of functional use of all four limbs;
 - (b) Paraplegia defined as the permanent loss of functional use of two limbs;
 - (c) Loss of two or more limbs;
 - (d) An injury to the brain that results in permanent cognitive impairment resulting in the permanent inability to make independent decisions or engage in one or more of the following activities of daily living: eating, dressing, bathing, toileting, transferring, and walking;
 - (e) An injury that causes irreversible failure of one or more major organ systems; or
 - (f) Vision loss such that the patient's central visual acuity is no more than twenty/two-hundred in the better eye with the best correction or whose field of vision in the better eye is restricted to a degree that its widest diameter subtends an angle no greater than twenty degrees;
- (2) "Economic damages", damages arising from pecuniary harm including, without limitation, medical damages, and those damages arising from lost wages and lost earning capacity;
- (3) "Employee", any individual who is directly compensated by a health care provider for health care services rendered by such individual and other nonphysician individuals who are supplied to a health care provider by an entity that provides staffing;
- (4) "Equitable share", the share of a person or entity in an obligation that is the same percentage of the total obligation as the person's or entity's allocated share of the total fault, as found by the trier of fact;
- (5) "Future damages", damages that the trier of fact finds will accrue after the damages findings are made;
- (6) "Health care provider", any physician, hospital, health maintenance organization, ambulatory surgical center, long-term care facility including those licensed under chapter 198, dentist, registered or licensed practical nurse, optometrist, podiatrist, pharmacist, chiropractor, professional physical therapist, psychologist, physician-in-training, and any other person or entity that provides health care services under the authority of a license or certificate;
- (7) "Health care services", any services that a health care provider renders to a patient in the ordinary course of the health care provider's profession or, if the health care provider is an institution, in the ordinary course of furthering the purposes for which the institution is organized. Professional services shall include, but are not limited to, transfer to a patient of goods or services incidental or pursuant to the practice of the health care provider's profession or in furtherance of the purposes for which an institutional health care provider is organized;
- (8) "Medical damages", damages arising from reasonable expenses for necessary drugs, therapy, and medical, surgical, nursing, x-ray, dental, custodial and other health and rehabilitative services;

(9) "Noneconomic damages", damages arising from nonpecuniary harm including, without limitation, pain, suffering, mental anguish, inconvenience, physical impairment, disfigurement, loss of capacity to enjoy life, and loss of consortium but shall not include punitive damages;

(10) "Past damages", damages that have accrued when the damages findings are made;

(11) "Punitive damages", damages intended to punish or deter [willful, wanton or malicious misconduct] **malicious misconduct or conduct that intentionally caused damage to the plaintiff**, including exemplary damages and damages for aggravating circumstances;

(12) "Self-insurance", a formal or informal plan of self-insurance or no insurance of any kind.

538.210. NO COMMON LAW CAUSE OF ACTION — LIMITATION ON NONECONOMIC DAMAGES — JURY NOT TO BE INFORMED OF LIMIT — LIMIT — PUNITIVE DAMAGES, REQUIREMENTS — ANNUAL INCREASE ON DAMAGES LIMIT, AMOUNT — NONSEVERABILITY CLAUSE. — 1. A statutory cause of action for damages against a health care provider for personal injury or death arising out of the rendering of or failure to render health care services is hereby created, replacing any such common law cause of action. The elements of such cause of action are that the health care provider failed to use that degree of skill and learning ordinarily used under the same or similar circumstances by members of the defendant's profession and that such failure directly caused or contributed to cause the plaintiff's injury or death.

2. (1) In any action against a health care provider for damages for personal injury arising out of the rendering of or the failure to render health care services, no plaintiff shall recover more than four hundred thousand dollars for noneconomic damages irrespective of the number of defendants.

(2) Notwithstanding the provisions of subdivision (1) of this subsection, in any action against a health care provider for damages for a catastrophic personal injury arising out of the rendering or failure to render health care services, no plaintiff shall recover more than seven hundred thousand dollars for noneconomic damages irrespective of the number of defendants.

(3) In any action against a health care provider for damages for death arising out of the rendering of or the failure to render health care services, no plaintiff shall recover more than seven hundred thousand dollars for noneconomic damages irrespective of the number of defendants.

3. [(1)] This section shall also apply to any individual or entity, or their employees or agents[.];

(1) That provide, refer, coordinate, consult upon, or arrange for the delivery of health care services to the plaintiff; and

(2) Who is a defendant in a lawsuit brought against a health care provider under this chapter, or who is a defendant in any lawsuit that arises out of the rendering of or the failure to render health care services.

4. No health care provider whose liability is limited by the provisions of this chapter shall be liable to any plaintiff based on the actions or omissions of any other entity or individual who is not an employee of such health care provider, unless the individual is an employee of a subsidiary in which the health care provider has a controlling interest and the subsidiary does not carry a professional liability insurance policy or self-insurance covering said individual of at least one million dollars per occurrence and a professional liability insurance policy or self-insurance covering said subsidiary of **at** least one million dollars per occurrence.

5. The limitations on liability as provided for in this section shall apply to all claims for contribution.

6. In any action against a health care provider for damages for personal injury or death arising out of the rendering of or the failure to render health care services, where the trier of fact is a jury, such jury shall not be instructed by the court with respect to the limitation on an award of noneconomic damages, nor shall counsel for any party or any person providing testimony during such proceeding in any way inform the jury or potential jurors of such limitation.

7. For purposes of sections 538.205 to 538.230, any spouse claiming damages for loss of consortium of their spouse shall be considered to be the same plaintiff as their spouse.

8. Any provision of law or court rule to the contrary notwithstanding, an award of punitive damages against a health care provider governed by the provisions of sections 538.205 to 538.230 shall be made only upon a [showing by a plaintiff] **finding by the jury that the evidence clearly and convincingly demonstrated** that the health care provider [demonstrated willful, wanton or malicious misconduct with respect to his actions which are found to have injured or caused or contributed to cause the damages claimed in the petition] **intentionally caused damage to the plaintiff or demonstrated malicious misconduct that caused damage to the plaintiff. Evidence of negligence including, but not limited to, indifference to or conscious disregard for the safety of others shall not constitute intentional conduct or malicious misconduct.**

9. For purposes of sections 538.205 to 538.230, all individuals and entities asserting a claim for a wrongful death under section 537.080 shall be considered to be one plaintiff.

10. The limitations on awards for noneconomic damages provided for in this section shall be increased by one and seven-tenths percent on an annual basis effective January first of each year. The current value of the limitation shall be calculated by the director of the department of commerce and insurance, who shall furnish that value to the secretary of state, who shall publish such value in the Missouri Register on the first business day following January first, but the value shall otherwise be exempt from the provisions of section 536.021.

11. In any claim for damages under this chapter, and upon post-trial motion following a jury verdict with noneconomic damages exceeding four hundred thousand dollars, the trial court shall determine whether the limitation in subsection 2 of this section shall apply based on the severity of the most severe injuries.

12. If a court of competent jurisdiction enters a final judgment on the merits that is not subject to appeal and that declares any provision or part of either section 1.010 or this section to be unconstitutional or unenforceable, then section 1.010 and this section, as amended by this act and in their entirety, are invalid and shall have no legal effect as of the date of such judgment, and this act, including its repealing clause, shall likewise be invalid and of no legal effect. In such event, the versions of sections 1.010 and this section that were in effect prior to the enactment of this act shall remain in force.

SECTION 1. APPLICABILITY OF CERTAIN STATUTE CHANGES FOR CASES FILED AFTER AUGUST 28, 2020. — The provisions of this act shall apply to causes of action filed on or after August 28, 2020.

Approved July 1, 2020

HCS SCS SB 599

Enacts provisions relating to financial instruments.

AN ACT to repeal sections 30.260, 30.753, 30.758, 70.705, 100.255, 362.1015, 362.1030, 362.1037, 362.1040, 362.1070, 370.010, 370.020, 370.030, 370.071, 370.110, 370.120, 370.130, 370.151, 370.170, 370.190, 370.200, 370.220, 370.230, 370.235, 370.260, 370.270, 370.275, 370.310, 370.340, 370.350, 370.355, 370.356, 370.358, 370.359, 376.945, 385.015, 408.512, 409.605, 409.610, 409.615, 409.620, 409.625, 409.630, 409.3-302, 409.4-412, 409.6-604, 443.717, 443.825, 443.855, and 443.857, RSMo, and to enact in lieu thereof fifty-one new sections relating to financial instruments.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION

- A Enacting clause.
- 30.260 Investment policy required — time and demand deposits — investments — interest rates.
- 30.753 Treasurer's authority to invest in linked deposits, limitations.
- 30.758 Loan package acceptance or rejection — loan agreement requirements — linked deposit at reduced market interest rate, when.
- 70.705 Members deposit fund, source, contributions of members, repayment of withdrawals — transfers from fund — election to eliminate contributions, when.
- 100.255 Definitions.
- 362.1015 Definitions.
- 362.1030 Family trust company fund established — requirements for domestic and foreign companies to conduct business — application, contents.
- 362.1037 Management authority, exclusively vested.
- 362.1040 Organizational instruments, requirements.
- 362.1070 Capital account, minimum assets — rental of real or personal property — investment of funds — bonds and securities, purchase of — permissible acts of fiduciary — duty of loyalty.
- 370.010 Credit union, how organized.
- 370.020 Certificate of organization, contents — membership shares, minimum, maximum par value.
- 370.030 Bylaws, contents.
- 370.071 Additional powers of a credit union — membership fee allowed, when.
- 370.110 Reports — when — penalty for late, inaccurate or incomplete.
- 370.120 Annual examination or audit report, exception — subpoena power.
- 370.130 Penalty for noncompliance.
- 370.151 Reorganization — approval — procedure, failure — liquidation.
- 370.170 Meetings and special meetings, voting — proxies, when — action at meeting.
- 370.190 Directors to elect officers — duties established by board or bylaws.
- 370.200 Duties of board — telephone or electronic participation at meetings.
- 370.220 Duties of credit committee — credit manager authorized, delegation of loan authority — appeal from decision — extension of credit, when.
- 370.230 Powers and duties of supervisory committee.
- 370.235 Employees handling funds of credit union to give surety bond.
- 370.260 Cancellation of shares — member to keep credit union informed of current address.
- 370.275 Trust accounts, requirements — beneficiaries' rights — payment a discharge of liability, when — death of trust account owner, procedure.
- 370.288 Refusal to make payment from account, when, requirements — immunity from liability, when.
- 370.310 Limitations on loans — loans to directors and committee members, report required.
- 370.340 Expulsion and withdrawal of members — refunds.
- 370.350 Dissolution of credit union, liquidation procedure, rulemaking authority.
- 370.355 Certificate of merger or consolidation, issued when — copies, where filed.
- 370.356 Shareholder may object to merger or consolidation, procedure — payment of value of shares.
- 370.358 Foreign credit union may apply for certificate — transfer of domestic credit union to another state.
- 370.359 Conversion from state to federal or federal to state credit union, procedure.
- 376.945 Escrow account, amount required — principal, how released, investment.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

- 385.015 Scope of law.
- 408.512 Loans by traditional installment loan lenders.
- 409.605 Definitions.
- 409.610 Financial exploitation, notification of agencies and family members.
- 409.615 Refusal of request for disbursement or transaction, when — expiration.
- 409.620 Immunity from liability, when.
- 409.625 Records, provided to agencies or law enforcement, when.
- 409.630 Website for training resources to prevent and detect financial exploitation.
- 409.3-302 Notice filing.
- 409.4-412 Denial, revocation, suspension, withdrawal, restriction, condition, or limitation of registration.
- 409.6-604 Administrative enforcement.
- 443.717 Prelicensing education requirements.
- 443.825 Application content, oath and form — fingerprinting, when.
- 443.855 Advertising of mortgage loans, rulemaking authority.
- 443.857 Licensee shall maintain at least one full-service office with staff, duties to handle matters relating to mortgage — waiver, when.
- 476.419 Securities, multiple recipients, requirements and limitations on court to divide.
- 370.270 Entrance and transfer fees.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 30.260, 30.753, 30.758, 70.705, 100.255, 362.1015, 362.1030, 362.1037, 362.1040, 362.1070, 370.010, 370.020, 370.030, 370.071, 370.110, 370.120, 370.130, 370.151, 370.170, 370.190, 370.200, 370.220, 370.230, 370.235, 370.260, 370.270, 370.275, 370.310, 370.340, 370.350, 370.355, 370.356, 370.358, 370.359, 376.945, 385.015, 408.512, 409.605, 409.610, 409.615, 409.620, 409.625, 409.630, 409.3-302, 409.4-412, 409.6-604, 443.717, 443.825, 443.855, and 443.857, RSMo, are repealed and fifty-one new sections enacted in lieu thereof, to be known as sections 30.260, 30.753, 30.758, 70.705, 100.255, 362.1015, 362.1030, 362.1037, 362.1040, 362.1070, 370.010, 370.020, 370.030, 370.071, 370.110, 370.120, 370.130, 370.151, 370.170, 370.190, 370.200, 370.220, 370.230, 370.235, 370.260, 370.275, 370.288, 370.310, 370.340, 370.350, 370.355, 370.356, 370.358, 370.359, 376.945, 385.015, 408.512, 409.605, 409.610, 409.615, 409.620, 409.625, 409.630, 409.3-302, 409.4-412, 409.6-604, 443.717, 443.825, 443.855, 443.857, and 476.419, to read as follows:

30.260. INVESTMENT POLICY REQUIRED — TIME AND DEMAND DEPOSITS — INVESTMENTS — INTEREST RATES. — 1. The state treasurer shall prepare, maintain and adhere to a written investment policy which shall include an asset allocation plan which limits the total amount of state moneys which may be invested in any particular investment authorized by Section 15, Article IV of the Missouri Constitution. Such asset allocation plan shall also set diversification limits, as applicable, which shall include a restriction limiting the total amount of time deposits of state moneys, not including linked deposits, placed with any one single banking institution to be no greater than [ten] **fifteen** percent of all time deposits of state moneys **authorized under the asset allocation plan**. The state treasurer shall present a copy of such policy to the governor, commissioner of administration, state auditor and general assembly at the commencement of each regular session of the general assembly or at any time the written investment policy is amended.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

2. The state treasurer shall determine by the exercise of the treasurer's best judgment the amount of state moneys that are not needed for current operating expenses of the state government and shall keep on demand deposit in banking institutions in this state selected by the treasurer and approved by the governor and state auditor the amount of state moneys which the treasurer has so determined are needed for current operating expenses of the state government and disburse the same as authorized by law.

3. Within the parameters of the state treasurer's written investment policy, the state treasurer shall place the state moneys which the treasurer has determined are not needed for current operations of the state government on time deposit drawing interest in banking institutions in this state selected by the treasurer and approved by the governor and the state auditor, or place them outright or, if applicable, by repurchase agreement in obligations described in Section 15, Article IV, Constitution of Missouri, as the treasurer in the exercise of the treasurer's best judgment determines to be in the best overall interest of the people of the state of Missouri, giving due consideration to:

(1) The preservation of such state moneys;

(2) The benefits to the economy and welfare of the people of Missouri when such state money is invested in banking institutions in this state that, in turn, provide additional loans and investments in the Missouri economy and generate state taxes from such initial investments and the loans and investments created by the banking institutions, compared to the removal or withholding from banking institutions in the state of all or some such state moneys and investing same in obligations authorized in Section 15, Article IV of the Missouri Constitution;

(3) The liquidity needs of the state;

(4) The aggregate return in earnings and taxes on the deposits and the investment to be derived therefrom; and

(5) All other factors which to the treasurer as a prudent state treasurer seem to be relevant to the general public welfare in the light of the circumstances at the time prevailing. The state treasurer may also place state moneys which are determined not needed for current operations of the state government in linked deposits as provided in sections 30.750 to 30.765.

4. Except for state moneys deposited in linked deposits as provided in sections 30.750 to 30.860, the rate of interest payable by all banking institutions on time deposits of state moneys shall be set under subdivisions (1) to (5) of this subsection and subsections 6 and 7 of this section. The rate shall never exceed the maximum rate of interest which by federal law or regulation a bank which is a member of the Federal Reserve System may from time to time pay on a time deposit of the same size and maturity. The rate of interest payable by all banking institutions on time deposits of state moneys is as follows:

(1) Beginning January 1, 2010, the rate of interest payable by a banking institution on up to seven million dollars of time deposits of state moneys shall be the same as the average rate paid during the week next preceding the week in which the deposit was made for United States of America treasury securities maturing and becoming payable closest to the time of termination of the deposit, as determined by the state treasurer, adjusted to the nearest one-tenth of a percent. In the case of a banking institution that holds more than seven million dollars of time deposits of state moneys, the rate of interest payable on deposits in excess of seven million dollars of time deposits of state moneys shall be set at the market rate as determined in subsection 6 of this section;

(2) Beginning January 1, 2011, the rate of interest payable by a banking institution on up to five million dollars of time deposits of state moneys shall be the same as the average rate paid during the week next preceding the week in which the deposit was made for United States of America treasury securities maturing and becoming payable closest to the time of termination of the deposit, as determined by the state treasurer, adjusted to the nearest one-tenth of a percent. In the case of a banking institution that holds more than five million dollars of time deposits of state moneys, the rate of interest payable on deposits in excess of five million dollars of time deposits of state moneys shall be set at the market rate as determined in subsection 6 of this section;

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(3) Beginning January 1, 2012, the rate of interest payable by a banking institution on up to three million dollars of time deposits of state moneys shall be the same as the average rate paid during the week next preceding the week in which the deposit was made for United States of America treasury securities maturing and becoming payable closest to the time of termination of the deposit, as determined by the state treasurer, adjusted to the nearest one-tenth of a percent. In the case of a banking institution that holds more than three million dollars of time deposits of state moneys, the rate of interest payable on deposits in excess of three million dollars of time deposits of state moneys shall be set at the market rate as determined in subsection 6 of this section;

(4) Beginning January 1, 2013, the rate of interest payable by a banking institution on up to one million dollars of time deposits of state moneys shall be the same as the average rate paid during the week next preceding the week in which the deposit was made for United States of America treasury securities maturing and becoming payable closest to the time of termination of the deposit, as determined by the state treasurer, adjusted to the nearest one-tenth of a percent. In the case of a banking institution that holds more than one million dollars of time deposits of state moneys, the rate of interest payable on deposits in excess of one million dollars of time deposits of state moneys shall be set at the market rate as determined in subsection 6 of this section;

(5) Beginning January 1, 2014, the rate of interest payable by a banking institution on all time deposits of state moneys shall be set at the market rate as determined in subsection 6 of this section.

5. Notwithstanding subdivisions (1) to (5) of subsection 4 of this section, for any new time deposits of state moneys placed after January 1, 2010, with a term longer than eighteen months, the rate of interest payable by a banking institution shall be set at the market rate as determined in subsection 6 of this section.

6. Market rate shall be determined no less frequently than once a month by the director of investments in the office of state treasurer. The process for determining a market rate shall include due consideration of prevailing rates offered for certificates of deposit by well-capitalized Missouri financial institutions, the advance rate established by the Federal Home Loan Bank of Des Moines for member institutions and the costs of collateralization, as well as an evaluation of the credit risk associated with other authorized securities under Section 15, Article IV, of the Missouri Constitution, **or any other calculation determined by the state treasurer based on current market investment indicators**. Banking institutions may also offer a higher rate than the market rate for any time deposit placed with the state treasurer in excess of the total amount of state moneys set at the United States of America treasury securities maturing and becoming payable closest to the time of termination of the deposit indicated in subdivisions (1) to (5) of subsection 4 of this section.

7. Within the parameters of the state treasurer's written investment policy, the state treasurer may subscribe for or purchase outright or by repurchase agreement investments of the character described in subsection 3 of this section which the treasurer, in the exercise of the treasurer's best judgment, believes to be the best for investment of state moneys at the time and in payment therefor may withdraw moneys from any bank account, demand or time, maintained by the treasurer without having any supporting warrant of the commissioner of administration. The state treasurer may bid on subscriptions for such obligations in accordance with the treasurer's best judgment. The state treasurer shall provide for the safekeeping of all such obligations so acquired in the same manner that securities pledged to secure the repayment of state moneys deposited in banking institutions are kept by the treasurer pursuant to law. The state treasurer may hold any such obligation so acquired by the treasurer until its maturity or prior thereto may sell the same outright or by reverse repurchase agreement provided the state's security interest in the underlying security is perfected or temporarily exchange such obligation for cash or other authorized securities of at least equal market value with no maturity more than one year beyond the maturity of any of the traded obligations, for a negotiated fee as the treasurer, in the exercise of the treasurer's best judgment, deems necessary or advisable for the best interest of the people of the state of

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Matter in bold-face type is proposed language.

Missouri in the light of the circumstances at the time prevailing. The state treasurer may pay all costs and expenses reasonably incurred by the treasurer in connection with the subscription, purchase, sale, collection, safekeeping or delivery of all such obligations at any time acquired by the treasurer.

8. As used in this chapter, except as more particularly specified in section 30.270, obligations of the United States shall include securities of the United States Treasury, and United States agencies or instrumentalities as described in Section 15, Article IV, Constitution of Missouri. The word "temporarily" as used in this section shall mean no more than six months.

30.753. TREASURER'S AUTHORITY TO INVEST IN LINKED DEPOSITS, LIMITATIONS. — 1.

The state treasurer may invest in linked deposits; however, the total amount so deposited at any one time shall not exceed, in the aggregate, [seven hundred twenty] **eight hundred** million dollars. No more than three hundred thirty million dollars of the aggregate deposit shall be used for linked deposits to eligible farming operations, eligible locally owned businesses, eligible agribusinesses, eligible beginning farmers, eligible livestock operations, and eligible facility borrowers, no more than one hundred [ten] **ninety** million of the aggregate deposit shall be used for linked deposits to small businesses, no more than twenty million dollars shall be used for linked deposits to eligible multitenant development enterprises, and no more than twenty million dollars of the aggregate deposit shall be used for linked deposits to eligible residential property developers and eligible residential property owners, no more than two hundred twenty million dollars of the aggregate deposit shall be used for linked deposits to eligible job enhancement businesses and no more than twenty million dollars of the aggregate deposit shall be used for linked deposit loans to eligible water systems. Linked deposit loans may be made to eligible student borrowers, eligible alternative energy operations, eligible alternative energy consumers, and eligible governmental entities from the aggregate deposit. If demand for a particular type of linked deposit exceeds the initial allocation, and funds initially allocated to another type are available and not in demand, the state treasurer may commingle allocations among the types of linked deposits.

2. The minimum deposit to be made by the state treasurer to an eligible lending institution for eligible job enhancement business loans shall be ninety thousand dollars. Linked deposit loans for eligible job enhancement businesses may be made for the purposes of assisting with relocation expenses, working capital, interim construction, inventory, site development, machinery and equipment, or other expenses necessary to create or retain jobs in the recipient firm.

30.758. LOAN PACKAGE ACCEPTANCE OR REJECTION — LOAN AGREEMENT REQUIREMENTS — LINKED DEPOSIT AT REDUCED MARKET INTEREST RATE, WHEN. — 1. The state treasurer may accept or reject a linked deposit loan package or any portion thereof.

2. The state treasurer shall make a good faith effort to ensure that the linked deposits are placed with eligible lending institutions to make linked deposit loans to minority- or female-owned eligible multitenant enterprises, eligible farming operations, eligible alternative energy operations, eligible alternative energy consumers, eligible locally owned businesses, eligible small businesses, eligible job enhancement businesses, eligible marketing enterprises, eligible residential property developers, eligible residential property owners, eligible governmental entities, eligible agribusinesses, eligible beginning farmers, eligible livestock operations, eligible student borrowers, eligible facility borrowers, or eligible water supply systems. Results of such effort shall be included in the linked deposit review committee's annual report to the governor.

3. Upon acceptance of the linked deposit loan package or any portion thereof, the state treasurer may place linked deposits with the eligible lending institution as follows: when market rates are five percent or above, the state treasurer shall reduce the market rate by up to three percentage points to obtain the linked deposit rate; when market rates are less than five percent, the state treasurer shall reduce

the market rate by up to sixty percent to obtain the linked deposit rate. All linked deposit rates are determined and calculated by the state treasurer. When necessary, the treasurer may place linked deposits prior to acceptance of a linked deposit loan package.

4. The eligible lending institution shall enter into a deposit agreement with the state treasurer, which shall include requirements necessary to carry out the purposes of sections 30.750 to 30.765. The deposit agreement shall specify the length of time for which the lending institution will lend funds upon receiving a linked deposit, and the original deposit plus renewals shall not exceed five years, except as otherwise provided in this chapter. The agreement shall also include provisions for the linked deposit of a linked deposit for an eligible facility borrower, eligible multitenant enterprise, eligible farming operation, eligible alternative energy operation, eligible alternative energy consumer, eligible locally owned business, eligible small business, eligible marketing enterprise, eligible residential property developer, eligible residential property owner, eligible governmental entity, eligible agribusiness, eligible beginning farmer, eligible livestock operation, eligible student borrower or job enhancement business. Interest shall be paid at the times determined by the state treasurer.

5. The period of time for which such linked deposit is placed with an eligible lending institution shall be neither longer nor shorter than the period of time for which the linked deposit is used to provide loans at reduced interest rates. The agreement shall further provide that the state shall receive market interest rates on any linked deposit or any portion thereof for any period of time for which there is no corresponding linked deposit loan outstanding to an eligible multitenant enterprise, eligible farming operation, eligible alternative energy operation, eligible alternative energy consumer, eligible locally owned business, eligible small business, eligible job enhancement business, eligible marketing enterprise, eligible residential property developer, eligible residential property owner, eligible governmental entity, eligible agribusiness, eligible beginning farmer, eligible livestock operation, eligible student borrower, eligible facility borrower, or eligible water supply system, except as otherwise provided in this subsection. Within thirty days after the annual anniversary date of the linked deposit, the eligible lending institution shall repay the state treasurer any linked deposit principal received from borrowers in the previous yearly period and thereafter repay such principal within thirty days of the yearly anniversary date calculated separately for each linked deposit loan, and repaid at the linked deposit rate. Such principal payment shall be accelerated when more than thirty percent of the linked deposit loan is repaid within a single monthly period. Any principal received and not repaid, up to the point of the thirty percent or more payment, shall be repaid within thirty days of that payment at the linked deposit rate. Finally, when the linked deposit is tied to a revolving line of credit agreement between the banking institution and its borrower, the full amount of the line of credit shall be excluded from the repayment provisions of this subsection.

6. The state treasurer shall give priority to maintaining linked deposit agreement renewals over funding new linked deposit applications.

70.705. MEMBERS DEPOSIT FUND, SOURCE, CONTRIBUTIONS OF MEMBERS, REPAYMENT OF WITHDRAWALS — TRANSFERS FROM FUND — ELECTION TO ELIMINATE CONTRIBUTIONS, WHEN. — 1. The "Members Deposit Fund" is hereby created. It shall be the fund in which shall be accumulated the contributions made by members to the system, and from which shall be made transfers and refunds of members' contributions as provided in sections 70.600 to 70.755.

2. Except as provided otherwise in this section, the contributions of a member to the system shall be four percent of his compensations after the date he has completed sufficient employment for six months of credited service. Such contributions shall be made notwithstanding that the minimum salary or wages provided by law for any member shall thereby be changed. Each member shall be deemed to consent and agree to the deductions made and provided for herein. Payment of a member's compensation less such deductions shall be a full and complete discharge and acquittance of all claims

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and demands whatsoever for services rendered by him to a political subdivision, except as to benefits provided by this system.

3. The officer or officers responsible for making up the payrolls for each political subdivision shall cause the contributions provided for in this section to be deducted from the compensation of each member in the employ of the political subdivision, on each and every payroll, for each and every payroll period after the date he has completed sufficient employment for six months of credited service to the date his membership terminates. When deducted, each of these amounts shall be paid by the political subdivision to the system; the payments shall be made in the manner and shall be accompanied by such supporting data as the board shall from time to time prescribe. When paid to the system, each of the amounts shall be credited to the members deposit fund account of the member from whose compensations the contributions were deducted.

4. In addition to the contributions deducted from the compensations of a member, as heretofore provided, a member shall deposit in the members deposit fund, by a single contribution or by an increased rate of contributions, as approved by the board, the amount or amounts he may have withdrawn therefrom and not repaid thereto, together with regular interest from the date of withdrawal to the date of repayment. In no case shall a member be given credit for service rendered prior to the date he withdrew his accumulated contributions until he returns to the members deposit fund all amounts due the fund by him.

5. Upon the retirement of a member, or upon his death if an allowance becomes payable on account of his death, his accumulated contributions shall be transferred to the benefit reserve fund.

6. Each political subdivision, by majority vote of its governing body, may elect with respect to its members **an alternate contribution amount of two percent or six percent of compensation or to eliminate future member contributions otherwise provided for in this section. Should a political subdivision elect one benefit program for members whose political subdivision employment is concurrently covered by federal Social Security and a different benefit program for members whose political subdivision employment is not concurrently covered by federal Social Security, as provided in section 70.655, the political subdivision may also, by majority vote of its governing body, make one election concerning member contributions provided for in this section for members whose political subdivision employment is concurrently covered by federal Social Security and one election concerning member contributions provided for in this section for members whose political subdivision employment is not concurrently covered by federal Social Security.** The clerk or secretary of the political subdivision shall certify the election concerning member contributions to the board within ten days after such vote. The effective date of the political subdivision's member contribution election is the first day of the calendar month specified by such governing body, or the first day of the calendar month next following receipt by the board of the certification of such election, or the effective date of the political subdivision's becoming an employer, whichever is the latest. Such election concerning member contributions may be changed from time to time by such vote, but not more often than once in two years. Except as provided in section 70.707, if such election is to eliminate member contributions, then such election shall apply only to future member compensations and shall not change the status of any member contributions made before such election. If the effect of such election is to require member contributions, then such election shall apply only to future member compensations and shall not change any member contribution requirements existing before such election. Should an employer change its member contribution requirements as provided in this section, the employer contribution requirements shall be correspondingly changed effective the same date as the member contribution change. The limitation on increases in an employer's contribution provided by subsection 6 of section 70.730 shall not apply to any contribution increase resulting from an employer electing to eliminate member contributions.

100.255. DEFINITIONS. — As used in sections 100.250 to 100.297, the following terms mean:

- (1) "Board", the Missouri development finance board created by section 100.265;
- (2) "Borrower", any person, partnership, public or private corporation, association, development agency or any other entity eligible for funding under sections 100.250 to 100.297;
- (3) "Development agency", any of the following:
 - (a) A port authority established pursuant to chapter 68;
 - (b) The bi-state development agencies established pursuant to sections 70.370 to 70.440, and sections 238.010 to 238.100;
 - (c) A land clearance for redevelopment authority established pursuant to sections 99.300 to 99.660;
 - (d) A county, city, incorporated town or village or other political subdivision or public body of this state;
 - (e) A planned industrial expansion authority established pursuant to sections 100.300 to 100.620;
 - (f) An industrial development corporation established pursuant to sections 349.010 to 349.105;
 - (g) A real property tax increment financing commission established pursuant to sections 99.800 to 99.865;
 - (h) Any other governmental, quasi-governmental or quasi-public corporation or entity created by state law or by resolution adopted by the governing body of a development agency otherwise described in paragraphs (a) through (g) of this subdivision;
- (4) "Development and reserve fund", the industrial development and reserve fund established pursuant to section 100.260;
- (5) "Export finance fund", the Missouri export finance fund established pursuant to section 100.260;
- (6) "Export trade activities" includes, but is not limited to, consulting, international market research, advertising, marketing, insurance, product research and design, legal assistance, transportation, including trade documentation and freight forwarding, communication, and processing of foreign orders to and for exporters and foreign purchases and warehousing, when undertaken to export or facilitate the export of goods or services produced or assembled in this state;
- (7) "Guarantee fund", the industrial development guarantee fund established by section 100.260;
- (8) "Infrastructure development fund", the infrastructure development fund established under section 100.263;
- (9) "Infrastructure facilities", the highways, streets, bridges, water supply and distribution systems, mass transportation facilities and equipment, telecommunication facilities, jails and prisons, sewers and sewage treatment facilities, wastewater treatment facilities, airports, railroads, reservoirs, dams and waterways in this state, acquisition of blighted real estate and the improvements thereon, demolition of existing structures and preparation of sites in anticipation of development, public facilities, and any other improvements provided by any form of government or development agency;
- (10) "Jobs now fund", the jobs now fund established under section 100.260;
- (11) "Jobs now projects", the purchase, construction, extension, and improvement of real estate, plants, buildings, structures, or facilities, whether or not now in existence, used or to be used primarily as infrastructure facilities or public facilities. When any entity provides a certified design or operation plan which is demonstrably less than the usual and customary average industry determination of cost for installation, construction, purchasing, extension, and improvement of real estate, manufacturing facilities, buildings, structures or facilities, including public facilities, then the entity or company providing such service may receive payment in an amount equal to the usual and customary fee for such project plus additional compensation equal to two times the percentage by which the cost of such aforementioned criteria of such facility is less than the usual and customary average industrial determination of cost for installation, construction, materials, extension and improvement of real estate, manufacturing facilities, buildings, structures, or facilities, including public facilities. Such entity shall

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also pay to such company providing such aforementioned service compensation equal to twenty-five percent of the amount of any annual operational costs which are lower than the customary average industry determination of cost for operation for such facility, procedure, or service for a period of time equal to one-fourth the design lifetime of such entity or five years whichever is less;

(12) "Participating lender", a lender authorized by the board to participate with the board in the making of a loan or to make loans the repayment of which is secured by the development and reserve fund;

(13) "Project", the purchase, construction, extension, and improvement of real estate, plants, buildings, structures or facilities, whether or not now in existence, used or to be used primarily as a factory, assembly plant, manufacturing plant, fabricating plant, distribution center, warehouse building, office building, port terminal or facility, transportation and transfer facility, industrial plant, processing plant, commercial or agricultural facility, nursing or retirement facility or combination thereof, recreational facility, cultural facility, public facilities, job training or other vocational training facility, infrastructure facility, video-audio telecommunication conferencing facility, office building, facility for the prevention, reduction, disposal or control of pollution, sewage or solid waste, facility for conducting export trade activities, or research and development building in connection with any of the facilities defined as a project in this subdivision. The term "project" shall also include any improvements, including, but not limited to, road or rail construction, alteration or relocation, and construction of facilities to provide utility service for any of the facilities defined as a project under this subdivision, along with any fixtures, equipment, and machinery, and any demolition and relocation expenses used in connection with any such projects and any capital used to promote and facilitate such facilities and notes payable from anticipated revenue issued by any development agency. **The term "project" shall also include any transfer, expenditure or working capital of the state, any agency or department of the state or any development agency;**

(14) "Public facility", any facility or improvements available for use by the general public including facilities for which user or other fees are charged on a nondiscriminatory basis.

362.1015. DEFINITIONS. — For purposes of sections 362.1010 to 362.1115, the following terms mean:

(1) "Authorized representative", if a family trust company is organized as a corporation, then an officer or director of the family trust company or, if a family trust company is organized as a limited liability company, then a manager, officer, or member of the family trust company;

(2) "Collateral kinship", a relationship that is not lineal but stems from a common ancestor;

(3) "Controlling stockholder or member", an individual who owns or has the ability or power to directly or indirectly vote ten percent or more of the outstanding shares, membership interest, or membership units of the family trust company;

(4) "Designated relative", a common ancestor of a family, either living or deceased, who is so designated in [an organizational instrument. No family trust company shall have more than one designated relative] **a family trust company's initial registration application and any annual registration report;**

(5) "Engage in trust company business with the general public", any sales, solicitations, arrangements, agreements, or transactions to provide trust or other business services, whether for a fee, commission, or any other type of remuneration, with any person who is not a family member or any sole proprietorship, partnership, limited liability company, joint venture, association, corporation, trust, estate, business trust, or other company that is not one hundred percent owned by one or more family members;

(6) "Family affiliate", a company or other entity wholly and exclusively owned by, directly or indirectly, and operated for the sole benefit of:

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- (a) One or more family members; or
- (b) Charitable foundations, charitable trusts, or other charitable entities if such foundation, trust, or entity is funded exclusively by one or more family members;
- (7) "Family member":
 - (a) A designated relative;
 - (b) Any person within the tenth degree of lineal kinship of a designated relative;
 - (c) Any person within the ninth degree of collateral kinship to a designated relative;
 - (d) The spouse of any person who qualifies under paragraphs (a) through (c) of this subdivision;
 - (e) Any former spouse of any person who qualifies under paragraphs (a) through (c) of this subdivision;
 - (f) The probate estate of any person who qualified as a family member under paragraphs (a) through (e) of this subdivision;
 - (g) A family affiliate;
 - (h) An irrevocable trust funded exclusively by one or more family members of which all permissible distributees, as defined under subdivision (16) of section 456.1-103, qualify under paragraphs (a) through (g) of this subdivision or are charitable foundations, charitable trusts, or other charitable entities; [or]
 - (i) **An irrevocable trust of which one or more family members are the only permissible distributees; or**
 - (j) A revocable trust of which one or more family members are the sole settlors.

For purposes of this subdivision, a legally adopted person shall be treated as a natural child of the adoptive parents; a stepchild shall be treated as a natural child of the family member who is or was the stepparent of that child; and a foster child or an individual who was a minor when a family member became his or her legal guardian shall be treated as a natural child of the family member appointed as foster parent or guardian. Degrees of kinship are calculated by adding the number of steps from the designated relative through each person to the family member either directly in case of lineal kinship or through the common ancestor in the case of collateral kinship;

(8) "Family trust company", a corporation or limited liability company organized or qualified to do business in this state that is wholly owned and exclusively controlled by, directly or indirectly, one or more family members, excluding any former spouse of a family member; that operates for the exclusive benefit of a family member regardless of whether compensation is received or anticipated; and that does not engage in trust company business with the general public or otherwise hold itself out as a trustee for hire by advertisement, solicitation, or other means. The term "family trust company" shall include foreign family trust companies unless context indicates otherwise;

(9) "Family trust company affiliated party":

- (a) A director, officer, manager, employee, or controlling stockholder or member of a family trust company; or
- (b) A stockholder, member, or any other person as determined by the secretary who participates in the affairs of a family trust company;
- (10) "Foreign family trust company", a family trust company that:
 - (a) Is licensed by the District of Columbia or a state in the United States other than this state;
 - (b) Has its principal place of business in the District of Columbia or a state in the United States other than this state;
 - (c) Is operated in accordance with family or private trust company laws of the District of Columbia or of the state in which it is licensed;
 - (d) Is subject to statutory or regulatory mandated oversight by the District of Columbia or state in which the principal place of business is located; and

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(e) Is not owned by or a subsidiary of a corporation, limited liability company, or other business entity that is organized in or licensed by any foreign country;

(11) "Lineal kinship", a relationship in the direct line of ascent or descent from a designated relative;

(12) "Officer", an individual, regardless of whether the individual has an official title or receives a salary or other compensation, who may participate in the major policy-making functions of a family trust company other than as a director. The term shall not include an individual who may have an official title and exercises discretion in the performance of duties and functions but who does not participate in determining the major policies of the family trust company and whose decisions are limited by policy standards established by other officers, regardless of whether the policy standards have been adopted by the board of directors. The chair of the board of directors, the president, the chief executive officer, the chief financial officer, the senior trust officer, all executive vice presidents of a family trust company, and all managers if organized as a limited liability company are presumed to be officers unless such officer is excluded, other than in the capacity of a director, by resolution of the board of directors or members or by the bylaws or operating agreement of the family trust company from participating in major policy-making functions of the family trust company, and such excluded officer does not actually participate therein;

(13) "Organizational instrument", the articles of incorporation for a corporation or the articles of organization for a limited liability company, **as they may be amended or supplemented from time to time**;

(14) "Principal place of business", the physical location where officers of a family trust company direct, control, and coordinate the trust company's activities;

(15) "Principal place of operations", the physical location in this state where a foreign family trust company stores and maintains its books and records pertaining to operations in this state;

(16) "Qualified beneficiary", the same meaning as defined under subdivision (21) of section 456.1-103;

(17) "Registered agent", a business or individual designated by a family trust company to receive service of process on behalf of the family trust company;

(18) "Reports of examinations, operations, or conditions", records submitted to the secretary or prepared by the secretary as part of the secretary's duties performed under sections 362.1010 to 362.1117;

(19) "Secretary", the secretary of state for the state of Missouri;

(20) "Secretary's designee", an attorney-at-law or a certified public accountant designated by the secretary under subsection 1 of section 362.1085;

(21) "Working papers", the records of the procedures followed, tests performed, information obtained, and conclusions reached in an investigation under sections 362.1010 to 362.1117. The term shall also include books and records.

362.1030. FAMILY TRUST COMPANY FUND ESTABLISHED — REQUIREMENTS FOR DOMESTIC AND FOREIGN COMPANIES TO CONDUCT BUSINESS — APPLICATION, CONTENTS. —

1. There is hereby established in the state treasury the "Family Trust Company Fund", which shall consist of all fees collected by the secretary from family trust companies registering as provided in this section. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund, and moneys in the fund shall be used solely to support the secretary's role and fulfillment of duties under sections 362.1010 to 362.1117. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium **that exceed twenty thousand dollars** shall revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same

manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

2. [No] A family trust company **that is not a foreign family trust company** shall **not** conduct business in this state unless such family trust company:

- (1) **Files its organizational instrument with the secretary;**
- (2) Pays a one-time original filing fee of five thousand dollars to the secretary; and
- (3) Registers **by filing** with the secretary **an initial registration application** in a format prescribed by the secretary.

3. A foreign family trust company shall not conduct business in this state unless such foreign family trust company:

- (1) Pays a one-time original filing fee of five thousand dollars to the secretary;
- (2) Registers **by filing** with the secretary **an initial registration application** in a format prescribed by the secretary; and
- (3) **If such foreign family trust company is a corporation, files an application for a certificate of authority or, if such foreign family trust company is a limited liability company, files an application for registration.**

4. The secretary shall deposit all family trust company filing fees into the family trust company fund established under subsection 1 of this section.

[3. To register, a family trust company that is not a foreign family trust company shall file its organizational instrument with the secretary. At a minimum, the organizational instrument shall state:

- (1) The name of the designated relative;
- (2) That the family trust company is a family trust company as defined under sections 362.1010 to 362.1117; and
- (3) That its operations will comply with sections 362.1010 to 362.1117.

4. A foreign family trust company shall register by filing with the secretary:

- (1) An initial registration to begin operations as a foreign family trust company; and
- (2) An application for a certificate of authority in accordance with and subject to chapters 347 or 351.]

5. A foreign family trust company application shall be submitted on a form prescribed by the secretary and be signed, under penalty of perjury, by an authorized representative. At a minimum, the application shall include:

- (1) A statement attesting that the foreign family trust company:
 - (a) Will comply with the provisions of sections 362.1010 to 362.1117; and
 - (b) Is in compliance with the family trust company laws and regulations of the jurisdiction of its incorporation or organization;
- (2) The current telephone number and street address of:
 - (a) The foreign family trust company's principal place of business in the jurisdiction of its incorporation or organization;
 - (b) The foreign family trust company's principal place of operations; and
 - (c) Any other offices located within this state;
- (3) The name and current street address in this state of its registered agent;
- (4) A certified copy of a certificate of good standing, or an equivalent document, authenticated by the official having custody of records in the jurisdiction where the foreign family trust company is incorporated or organized;
- (5) Satisfactory proof, as determined by the secretary, that the foreign family trust company is organized in a manner similar to a Missouri family trust company and is in compliance with the family trust company laws and regulations of the jurisdiction in which the foreign family trust company was incorporated or organized; and

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(6) Any other information reasonably and customarily required by the secretary of foreign corporations or foreign limited liability companies seeking to qualify to conduct business in this state.

362.1037. MANAGEMENT AUTHORITY, EXCLUSIVELY VESTED. — Exclusive authority to manage a family trust company shall be vested in:

- (1) If a corporation, a board of directors that consists of at least three directors; or
- (2) If a limited liability company, a board of directors or managers that consists of **at least** three directors or managers.

At least one director or manager of the company shall be a resident of this state.

362.1040. ORGANIZATIONAL INSTRUMENTS, REQUIREMENTS. — 1. One or more persons may subscribe to an organizational instrument in writing for the purpose of forming a family trust company, subject to the conditions prescribed by law.

2. The organizational instrument of a family trust company shall set forth all of the information required under [chapters] **chapter** 347 or 351, as applicable, and the following:

(1) The name of the company, which shall distinguish the company from any other nonfamily trust company or family trust company formed or engaging in business in this state. If the word "trust" is included in the name, it shall be immediately preceded by the word "family" so as to distinguish the entity from a nonfamily trust company operating under this chapter. This subdivision shall not apply to a foreign family trust company using a fictitious name that is registered and maintained in this state pursuant to the requirements administered by the secretary and that distinguishes the foreign family trust company from a nonfamily trust company authorized to operate under this chapter;

(2) **A statement that** the purpose for which the company is formed[, which shall clearly identify the restricted activities permissible to a family trust company] **is to engage in any and all activities permitted** under sections 362.1010 to 362.1117; and

(3) A statement affirming that the family trust company shall not engage in trust company business with the general public.

3. The term "trust company" in the name adopted by a family trust company shall not **be deemed to violate** section 362.425.

362.1070. CAPITAL ACCOUNT, MINIMUM ASSETS — RENTAL OF REAL OR PERSONAL PROPERTY — INVESTMENT OF FUNDS — BONDS AND SECURITIES, PURCHASE OF — PERMISSIBLE ACTS OF FIDUCIARY — DUTY OF LOYALTY. — 1. The assets forming the minimum capital account of a family trust company shall:

(1) Consist of cash, United States Treasury obligations, or any combination thereof; and

(2) Have an aggregate market value of at least one hundred percent of the company's required capital account, as specified under subsection 1 of section 362.1035. If the aggregate market value of one hundred percent of the company's capital account is, at any time, less than the amount required under subsection 1 of section 362.1035, the company shall have five business days to bring such capital account into compliance with subsection 1 of section 362.1035.

2. A family trust company may purchase or rent real or personal property for use in conducting business and other activities of the company.

3. Notwithstanding any other provision of law, a family trust company may invest funds for its own account, other than those required or allowed under subsection 1 or 2 of this section, in any type or character of equity securities, debt securities, or other assets.

4. Notwithstanding any other provision of law, a family trust company may, while acting as a fiduciary, purchase directly from underwriters or broker-dealers or purchase in the secondary market:

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- (1) Bonds or other securities underwritten or brokered by:
 - (a) The family trust company;
 - (b) A family affiliate; or
 - (c) A syndicate, including the family trust company or a family affiliate; and
- (2) Securities of investment companies for which the family trust company acts as an advisor, custodian, distributor, manager, registrar, shareholder servicing agent, sponsor, or transfer agent. For purposes of this section, investment companies shall be deemed to include mutual funds, closed-end funds, or unit-investment trusts as defined under the Investment Company Act of 1940, P.L. 76-768, as amended.
- 5. The authority granted under subsection 4 of this section may be exercised only if:
 - (1) The investment is not expressly prohibited by the instrument, judgment, decree, or order that establishes the fiduciary relationship;
 - (2) The family trust company procures in writing the consent of all cofiduciaries with discretionary investment powers to the investment, if any; and
 - (3) The family trust company discloses its intent to exercise the authority granted under subsection 4 of this section in writing to all [of the trust company's account statement recipients] **family members for whom the investment is to be made, which shall occur** before the first exercise of such authority, and each such disclosure states:
 - (a) Any interest the family trust company has or reasonably expects to have in the underwriting or distribution of the bonds or securities;
 - (b) Any fee or other compensation received or reasonably expected to be received by the family trust company as a result of the transaction or services provided to an investment company; and
 - (c) Any relationship between the family trust company and an investment company.
- 6. Subsections 4 and 5 of this section shall not affect the degree of prudence required of fiduciaries under the laws of this state. However, a purchase of bonds or securities under this section shall be presumed unaffected by a conflict between the fiduciary's personal and fiduciary interests if such purchase:
 - (1) Is negotiated at a fair price;
 - (2) **If the family member served by the family trust company is a trust**, is in accordance with:
 - (a) The interest of the qualified beneficiaries of the trust for which the purchase is made; and
 - (b) The purposes of the trust; and
 - (3) Otherwise complies with:
 - (a) The Missouri prudent investor act, sections 469.900 to 469.913, unless such compliance is waived in a manner as provided by law; and
 - (b) The terms of the instrument, judgment, decree, or order establishing the fiduciary relationship.
- 7. Notwithstanding subsections 1 to 6 of this section, no family trust company shall, while acting as a fiduciary, purchase a bond or security issued by the family trust company, its parent, or a subsidiary company of either unless:
 - (1) The family trust company is expressly authorized to do so by:
 - (a) [The terms of the instrument creating the trust for which such purchase is made;
 - (b)] A court order;
 - (b) **The terms of the instrument, judgment, decree, or order establishing the fiduciary relationship; or**
 - (c) **If the fiduciary relationship was established by a trust instrument**, the written consent of the settlor [of such trust for which the family trust company is serving as trustee; or
 - (d) The written consent of every adult qualified beneficiary of such trust who, at the time of such purchase, is entitled to receive income under the trust or who would be entitled to receive a distribution

of principal if the trust were terminated] **or of every adult qualified beneficiary of the trust created under that instrument for which such purchase is made;** and

(2) The purchase of the security is at a fair price and complies with the Missouri prudent investor act, sections 469.900 to 469.913, unless compliance is waived in a manner as provided by law, and with the terms of the instrument, judgment, decree, or order establishing the fiduciary relationship.

8. Except as otherwise expressly limited by this section, a family trust company is authorized, without limiting any powers otherwise conferred on fiduciaries by law, to do any of the following actions while acting as a fiduciary, and such actions shall be presumed to be unaffected by a conflict between the fiduciary's personal and fiduciary interests:

(1) Make an equity investment in a closely held entity that may or may not be marketable and that is directly or indirectly owned or controlled by one or more family members;

(2) Place a security transaction using a broker who is a family member;

(3) Enter into an agreement with a family member who is the settlor or a qualified beneficiary of a trust with respect to the appointment of the family trust company as a fiduciary of the trust or with respect to the compensation of the family trust company for service as a fiduciary;

(4) Transact business with a family member;

(5) Transact business with or invest in any asset of another trust, estate, guardianship, or conservatorship for which the family trust company is a fiduciary or in which a family member has an interest;

(6) Deposit trust assets in a financial institution that is owned, controlled, or operated by one or more family members;

(7) Purchase, sell, hold, own, or invest in a security, bond, real property, personal property, stock, or other asset of a family member; and

(8) With or without adequate security, lend moneys to or borrow moneys from a family member or a trust, estate, or guardianship for which the family trust company serves as a fiduciary.

9. If not inconsistent with and subject to the terms of subsections 4 to 8 of this section, the duty of loyalty under section 456.8-802 applies to a family trust company when the family trust company serves as trustee of a trust whose administration is subject to chapter 456.

370.010. CREDIT UNION, HOW ORGANIZED. — Any seven persons, residents of the state of Missouri, may apply to the director of the division of credit unions, for permission to organize a credit union by signing and acknowledging [in triplicate] a certificate of organization and entering into articles of agreement, in which they shall bind themselves to comply with its requirements and with all the laws, rules and regulations applicable to credit unions.

370.020. CERTIFICATE OF ORGANIZATION, CONTENTS — MEMBERSHIP SHARES, MINIMUM, MAXIMUM PAR VALUE. — The certificate of organization shall state:

(1) The name of the proposed credit union and the city, town, or village in which its business office is located;

(2) The names and addresses of the subscribers to the certificate, and the number of shares subscribed by each;

(3) A statement that organization as a credit union is desired under this particular law;

(4) The par value of the [general] **regular** shares, which shall not exceed one hundred dollars;

(5) The par value of membership shares, if any, which shall not be less than twenty-five nor more than one hundred dollars.

370.030. BYLAWS, CONTENTS. — At the time of filing the certificate with the director of the division of credit unions, the organizers shall submit[, in triplicate, sets of] **the** bylaws with acknowledgment of their adoption by the organizers which shall provide:

(1) For the annual meeting, which shall take place no later than one hundred eighty days following the close of the fiscal year, the manner of notification of meetings and the conduct of the same, the number of members constituting a quorum and regulations as to voting;

(2) The number of directors, which shall not be less than five, all of whom must be members, their powers and duties, together with the duties of officers elected by the board of directors;

(3) The qualifications for membership;

(4) The number of members of the credit committee and of the supervisory committee, if elected or appointed, which shall not be less than three each, their terms of office, together with their respective powers and duties;

(5) The conditions under which shares may be issued, transferred and withdrawn, loans made and repaid, and the funds otherwise invested; **and**

(6) The charges, if any, which shall be made for failure to meet obligations punctually, whether or not the credit union shall have the power to borrow, the method of receipting for money, the manner of accumulating a reserve fund and determining a dividend.

370.071. ADDITIONAL POWERS OF A CREDIT UNION — MEMBERSHIP FEE ALLOWED, WHEN. — A credit union may have the following additional powers:

(1) To contract for group insurance plans, approved by the state of Missouri, on behalf of members electing to participate in such insurance programs and to charge a fee for providing such services;

(2) To exercise such additional powers, with the approval of the director, as federally chartered credit unions may be authorized under federal statutes; however, this section shall not apply to field of membership provisions within this chapter;

(3) To hold membership in central credit unions whose field of membership includes credit unions, and to invest funds in shares of corporations to aid the liquidity of credit unions;

(4) To act as the fiscal or transfer agent of the United States, of any state, municipality, or political subdivision and in such capacity to receive and disburse money, to transfer, register and countersign certificates of stock, bonds and other evidences of indebtedness;

(5) Notwithstanding any other law to the contrary, a credit union may charge initial and/or recurring membership fees, provided such fees have been approved by a majority of the membership in attendance at any regular or special meeting or by a mail **or electronic** ballot as provided in the credit union bylaws, after notice of the purpose thereof shall have been mailed **or delivered to each member**, at least seven days and no longer than sixty days prior to the date of such meeting. Such membership fees shall not be construed as reserve income but shall be used at the sole discretion of the board of directors for the benefit of the credit union.

370.110. REPORTS — WHEN — PENALTY FOR LATE, INACCURATE OR INCOMPLETE. — 1. Each credit union shall make a report of its condition [on or before January thirty-first of each year], **verified by the president or the president's designee, as required by the federal credit union insurer** and at such other times as the director of the division of credit unions may require.

2. [Such reports shall be made on blank forms to be provided by the director of the division of credit unions and shall be verified under oath or affirmation of the president and treasurer of the credit union.

3.] Any credit union which neglects to make any report when due, or makes such report that is inaccurate or incomplete, shall forfeit to the state, payable to the director of revenue, twenty-five dollars for each day of the first seven days of such neglect and seventy-five dollars for each additional day

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thereafter, after the due date of such report or such subsequent due date established by the director in a notice to the credit union to correct an inaccurate or incomplete report unless such payments are excused in whole or in part by the director of the division of credit unions.

370.120. ANNUAL EXAMINATION OR AUDIT REPORT, EXCEPTION — SUBPOENA POWER. —

1. The director of the division of credit unions, in person or by his or her agents, shall examine each credit union annually and at other times as he or she shall direct, and at all times shall have free access to all books, papers, securities and other sources of information pertaining to the credit union; except that the division of credit unions shall examine qualifying credit unions, as determined by the director, at least once each eighteen calendar months.

2. The director of the division of credit unions and his or her agents may subpoena and examine witnesses under oath or affirmation, and documents pertaining to the business of the credit unions.

3. The director of the division of credit unions may accept, in lieu of making an annual examination of a credit union, an audit report of the condition of the credit union made by an auditor approved by the director of the division of credit unions for the purpose of making such credit union audits, the cost of which audit shall be borne by the credit union.

4. The director of the division of credit unions may accept, in lieu of conducting an annual examination of a credit union, a final examination report of the credit union made by the federal credit union insurer.

370.130. PENALTY FOR NONCOMPLIANCE. —

1. If any credit union neglects for [fifteen] **thirty** days to make the required reports or to pay the required charges, including charges for delay in filing reports, the director shall notify such credit union of his **or her** intention to revoke its certificate of approval.

2. If such neglect or failure continues for an additional fifteen days, the director may revoke the certificate of approval of such credit union.

3. Whenever the director revokes the certificate of approval of any credit union, he **or she** shall file notice of such revocation with the secretary of state.

370.151. REORGANIZATION — APPROVAL — PROCEDURE, FAILURE — LIQUIDATION. —

1. The director may call a special meeting of the members to consider and act upon a plan of reorganization; but he **or she** may at his **or her** option require the president or secretary to do so. Notice of the meeting shall be mailed **or delivered** to each member, or posted in a conspicuous place frequented by the members, at least seven days before the meeting.

2. If the plan of reorganization is approved by a two-thirds majority of the votes cast at the meeting, it shall become effective upon the date, terms and conditions specified therein, and the director shall, upon, or as of, the date, return the possession, assets and conduct of the business of the credit union to its directors and officers.

3. If a reorganization plan, when submitted to the members as herein provided, is not approved by the required majority, the director may issue a notice of involuntary liquidation and appoint a liquidating agent to liquidate the credit union.

370.170. MEETINGS AND SPECIAL MEETINGS, VOTING — PROXIES, WHEN — ACTION AT

MEETING. — 1. Special meetings of the members may be held by order of the board of directors, or the supervisory committee, and shall be held on request of ten percent of the members.

2. At all meetings a member shall have but one vote.

3. No member may vote by proxy, but a society, association, copartnership, or corporation, having membership in a credit union, may be represented by one person, previously authorized by such society,

association, copartnership or corporation to transact business with the credit union. The bylaws of a credit union, when approved by the membership, may provide for mail **or electronic** ballots for the election of officers.

4. By majority vote of those present at any meeting, the members may decide on any matter of interest to the credit union, amend the bylaws relating to qualifications for membership, the election or appointment of the supervisory committee, determine the requirements for a credit committee and if such committee should be elected or appointed, and overrule the directors on any matter concerning guidelines for future plans and objectives, provided the notice of the meeting has stated any such matter to be considered upon a written request of any member, except that the members cannot cause the credit union to breach or abrogate any legally binding obligation or contract previously executed by the board.

370.190. DIRECTORS TO ELECT OFFICERS — DUTIES ESTABLISHED BY BOARD OR BYLAWS. — 1. [At the first meeting, and at each first meeting in the fiscal year, the board of directors shall elect from their own number a president, vice president, secretary and treasurer. If the bylaws so provide, the offices of secretary and treasurer may be held by the same person.

2. Where the credit union bylaws so provide] **At its first meeting following the annual membership meeting**, the board of directors[, in lieu of the officers specified in subsection 1,] shall elect from their own number a [chairman] **chair** of the board of directors, a vice [chairman] **chair**, a secretary and a treasurer; and further shall designate such administrative officers [including a president of the credit union and a vice president] as the bylaws may provide. [In the event the bylaws of a credit union provide for the designation of officers as provided in this subsection, where in this chapter there is a reference to a "president" and "vice president", for such a credit union, the reference shall be understood to be to "chairman of the board" and "vice chairman of the board"; and the word "manager" shall be understood to refer to a "president"] **If the bylaws so provide, the offices of secretary and treasurer may be held by the same person.**

[3.] 2. The duties of the officers shall be prescribed by the board of directors unless otherwise specified in the bylaws.

370.200. DUTIES OF BOARD — TELEPHONE OR ELECTRONIC PARTICIPATION AT MEETINGS. — 1. The board of directors shall have the general management of the affairs, funds, and records of the corporation, and unless they shall be specifically reserved to the members **or delegated to the president or operating manager**, it shall be the special duty of the directors:

(1) To act upon [all] applications for membership [and on the exclusion of members or the board may delegate to a membership officer the approval of membership applications, and a record of such officer's approval or denial of membership shall be available to the board of directors for inspection, and a person denied membership by such officer may appeal such denial to the board] **in the credit union;**

(2) To determine, from time to time, rates of interest which shall be charged on loans;

(3) [To fix the amount of the surety bond which shall be required of each officer having the custody of funds;

(4)] To fix the maximum number of shares which may be held by and the maximum amount, both secured and unsecured, which may be loaned to any one member, such limitations to apply alike to all members;

[(5) To declare dividends;

(6) To accept and act upon resignations and determine and fill vacancies on the board of directors, credit committee, and, if the bylaws so provide, the supervisory committee until the election or appointment of qualified successors;

(7)] **and**

(4) To have charge of the investment of funds of the credit union, other than loans to members, and to perform such other duties as the members may, from time to time, authorize[;

(8) To amend the bylaws except for those provisions in other sections of this chapter specifically reserved for membership action].

2. Additionally, the board shall have the duty to:

(1) Authorize the employment and compensation of the chief executive officer;

(2) Approve an annual operating budget for the credit union;

(3) Declare dividends on regular shares;

(4) Accept and act upon resignations and determine and fill vacancies on the board of directors, credit committee, and, if the bylaws so provide, the supervisory committee until the election or appointment of qualified successors;

(5) Amend the bylaws except for those provisions in other sections of this chapter specifically reserved for membership action; and

(6) Consider an appeal of a person denied membership by the credit union.

3. Unless specifically prohibited by the bylaws, directors may participate in and act at any meeting of the board through the use of a telephone or other electronic means. Participation in the meeting in this manner shall constitute attendance.

370.220. DUTIES OF CREDIT COMMITTEE — CREDIT MANAGER AUTHORIZED, DELEGATION OF LOAN AUTHORITY — APPEAL FROM DECISION — EXTENSION OF CREDIT, WHEN. — 1. The credit committee or, **if authorized**, credit manager [, if authorized,] shall [approve every loan or advance made by the credit union to its members] **follow the bylaws, policies, and procedures established by the board of directors regarding loans and advances.**

2. [Every application for a loan shall be in the format approved by the board of directors.] The applicant shall state the purpose for which the loan is desired and the security, if any, offered.

3. Security must be taken for any loan in excess of the limit set by written policy of the board of directors. Endorsement of a note or assignment of shares in any credit union shall be deemed security within the meaning of this section.

4. No loan shall be made unless it has received the majority approval of the members of the committee present when the loan was considered, which number shall constitute at least a majority of the committee. However, in the case of any credit union having total assets in excess of one hundred thousand dollars, the board of directors may appoint a credit manager. The credit manager may be delegated authority to act on all or some applications for loans, reporting monthly thereon to the credit committee or board of directors, as the case may be.

5. An applicant for a loan may appeal to the directors from the decision of the credit committee or credit manager, if it is so provided in the bylaws, and in the way and manner therein provided.

6. [Notwithstanding any other provisions in this chapter, the board of directors may delegate to the treasurer, or manager, the power to make loans to members provided the amount of any one such loan shall not exceed one hundred dollars and the period of any such loan shall not exceed thirty days.

7.] The credit committee or, when authorized, a credit manager may approve in advance, upon its or his **or her** own motion or upon application by a member, an extension of credit, and loans may be granted to such members within the limits of such extensions of credit. When an extension of credit has been approved, applications for loans need no further consideration as long as the aggregate obligation does not exceed the limits of such extension of credit. The credit committee or, when authorized, the credit manager shall, at least once a year, review, or cause to be reviewed, all extensions of credit and any extension of credit shall expire if the member becomes more than ninety days delinquent in his **or her** obligation to the credit union.

370.230. POWERS AND DUTIES OF SUPERVISORY COMMITTEE. — 1. The supervisory committee shall make, or cause to be made, an examination of the affairs of the credit union, at least annually, including its books and accounts, and shall make, or cause to be made, a verification of members' share and loan accounts in the same manner and with the same frequency as required by federal law for federal credit unions, and shall review the acts of the board of directors, credit committee and officers, any or all of whom the supervisory committee may suspend at any time by a majority vote.

2. Within seven days after such suspension, the supervisory committee shall cause notice to be given the members of a special meeting to take action on such suspension, the call for the meeting to indicate clearly its purpose.

3. By a majority vote the committee may call a meeting of the members to consider any violation of this chapter or of the bylaws, or any practice of the credit union which, in the opinion of said committee, is unsafe and unauthorized.

4. During the fiscal year, the supervisory committee shall make or cause to be made a thorough audit of the receipts, disbursements, income, assets, and liabilities of the credit union, and shall make a full report on such audit to the directors. In the event that a credit union has over one million dollars in assets, an independent audit shall be required in lieu of the audit by the supervisory committee, and a report on such audit shall be read at the annual meeting and shall be filed and preserved with the records of the credit union.

5. If the credit union bylaws so provide, the supervisory committee shall elect a chair from their own number.

6. The supervisory committee shall fill vacancies in their own number until the next annual meeting or, if the bylaws so provide, vacancies may be filled by appointment by the board of directors.

370.235. EMPLOYEES HANDLING FUNDS OF CREDIT UNION TO GIVE SURETY BOND. — [1.] As a condition precedent to qualification or entry upon the discharge of his **or her** duties, every person appointed or elected to any position requiring the receipt, payment of money or other personal property owned by a credit union or in its custody or control as collateral or otherwise, shall give a bond with some surety company, licensed to do business in this state, as surety thereon in such reasonably adequate sum as the director shall require and approve. The term "reasonably adequate" as used herein, requires the director to have reasonable regard for the protection of the accounts and assets of the credit union. In lieu of individual bonds, the director may accept a schedule or blanket bond which covers all of the officers and employees of any credit union whose duties include the receipt, payment or custody of money or other personal property on behalf of the credit union. All bonds shall be in the form prescribed by the director.

[2. Within forty-five days next after approval of such bonds by the board of directors, attested copies thereof, with a certificate of their custodian that the originals are in his possession, shall be filed with the director.]

370.260. CANCELLATION OF SHARES — MEMBER TO KEEP CREDIT UNION INFORMED OF CURRENT ADDRESS. — 1. A credit union may, upon the resignation or expulsion of a member, cancel the shares of such member and apply the withdrawal value of such shares toward the liquidation of the member's indebtedness.

2. Each member shall keep the credit union informed about his **or her** current address. In the event a member fails to do this, a **quarterly** charge may be made to the member's share account [for the actual cost of necessary locator service in determining such address; provided, however, that such charge shall not exceed five dollars. The charge shall be made only for amounts paid to a person or concern normally engaged in providing such service, and shall be made against the account or accounts of any one member not more than once in any twelve-month period].

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370.275. TRUST ACCOUNTS, REQUIREMENTS — BENEFICIARIES' RIGHTS — PAYMENT A DISCHARGE OF LIABILITY, WHEN — DEATH OF TRUST ACCOUNT OWNER, PROCEDURE. — Shares, share certificates, deposits and deposit certificates may be held in the name of a member in trust for a beneficiary, in the name of a nonmember in trust for a beneficiary who is a member or in the name of a trustee of a trust of which a member is grantor, trustee or beneficiary. Beneficiaries may be a minor or minors. No beneficiary, trustee or grantor of a trust, unless a member in his **or her** own right, shall be permitted to vote, obtain loans, **or** hold office [or be required to pay an entrance or membership fee]. Payment of part or all of such a trust account to the party in whose name the account is held shall, to the extent of such payment, discharge the liability of the credit union to that party and to the beneficiary, and the credit union shall be under no obligation to see to the application of such payment. In the event of death of the party in whose name a trust account is held, and if the credit union has been given no other written notice of the existence or terms of any trust, account funds and any dividends or interest thereon shall be paid to the beneficiary.

370.288. REFUSAL TO MAKE PAYMENT FROM ACCOUNT, WHEN, REQUIREMENTS — IMMUNITY FROM LIABILITY, WHEN. — 1. A credit union may refuse to make a payment from an account to a depositor, a shareholder, any trust or payable-on-death account beneficiary, or any other person claiming an interest in the account if the credit union:

(1) Is uncertain under the agreement governing the account of who is entitled to receive the payment; or

(2) Has actual knowledge of a dispute between any depositors, shareholders, beneficiaries with present vested rights in the account, or other persons concerning ownership of the moneys in the account, the proposed withdrawal, or any previous withdrawals from the account.

2. If a credit union refuses to make a payment under subsection 1 of this section, the credit union:

(1) Shall notify, in writing, all depositors, shareholders, beneficiaries with present vested rights in the account, and other persons claiming an interest in the account of the basis for the credit union's refusal; and

(2) May refuse to make the payment until all interested parties consent in writing to the requested payment or a court with proper jurisdiction orders the credit union to make the payment.

3. The credit union shall not be liable for damages as a result of an action taken under this section.

370.310. LIMITATIONS ON LOANS — LOANS TO DIRECTORS AND COMMITTEE MEMBERS, REPORT REQUIRED. — 1. A credit union may lend to its members, as herein provided, for such purposes and upon such security as the bylaws provide and the credit committee or credit manager shall approve, provided that no secured or unsecured loan shall be made in excess of two thousand dollars, except that if ten percent of the assets of the credit union exceeds two thousand dollars then the maximum amount of a loan by the credit union shall be ten percent of its assets, and unsecured loans to any one member shall not exceed the limitations found in current written policies of the board of directors.

2. [A member who needs funds with which to purchase necessary supplies for growing crops may receive a loan in installments instead of one sum.

3. A borrower may repay the whole or any part of his loan on any day on which the office of the credit union is open for the transaction of business.

4.] All loans to directors, credit and supervisory committee members of the credit union shall comply with all the requirements in this chapter and the credit union bylaws with respect to loans to other members and may not be on terms more favorable than those of loans extended to other member-borrowers and such loans shall also be reported at the next regularly scheduled meeting of the board of directors; and further, all such loans shall be reported to the director of the division of credit unions annually.

370.340. EXPULSION AND WITHDRAWAL OF MEMBERS — REFUNDS. — 1. At any regularly called meeting the members, by a two-thirds vote of those present, may expel from the credit union any member thereof.

2. A member may withdraw from a credit union[, as herein provided, by filing a written notice of such intention] **upon request.**

3. The board of directors, **the president, or an executive officer designated by the board** may expel a member pursuant to a written policy adopted by [it] **the board.** Any person expelled [by the board] shall have the right to [request a hearing before the board to reconsider the expulsion] **appeal the decision pursuant to a written policy adopted by the board.**

4. The share balance of an expelled or withdrawing member, with any dividends credited to his **or her** shares to the date of expulsion, or withdrawal, shall be paid to said member but only as funds therefor become available, and, after deducting any amounts due to the credit union by said member. The share balance of an expelled or withdrawing member, with any dividends credited to his **or her** shares, shall be paid to such member, subject to sixty days' notice, and after deducting any amounts due to the credit union by said member.

5. Said member, when withdrawing shares, shall have no further right in said credit union or to any of its benefits, but such expulsion or withdrawal shall not operate to relieve such member from any remaining liability to the credit union.

370.350. DISSOLUTION OF CREDIT UNION, LIQUIDATION PROCEDURE, RULEMAKING AUTHORITY. — 1. At any meeting called for the purpose, notice of the purpose being contained in the call, three-fourths of the membership present may vote to dissolve the credit union and shall thereupon signify their consent to such dissolution in writing and shall file such consent with the director of the division of credit unions attested by a majority of its officers, with a statement of the names and addresses of the directors and officers duly verified.

2. The director of the division of credit unions shall execute [in duplicate] a certificate to the effect that such consent and statement have been filed and that it appears therefrom that the credit union has complied with this section.

3. Such [duplicate] certificate shall be filed by the [credit union] **director** in the office of the secretary of state.

4. The director shall then appoint the share insurer or guarantor of the credit union, or other suitable person or persons, or entities, as liquidating agent, who shall proceed to liquidate the credit union by procedures as defined by rules and regulations.

5. The director of the division of credit unions is authorized to promulgate rules and regulations concerning the dissolution of credit unions and, upon the termination of such credit union, and upon notice to the director from his or her appointed liquidating agent, the director of the division of credit unions shall notify the secretary of state of such final dissolution.

6. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

7. The director of the division of credit unions, with the consent of another credit union, may transfer the existing membership and related field of membership of a credit union in dissolution to the

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second credit union and the liquidating agent, upon receiving notice of such action, shall forward its records of the members so to be transferred to the second credit union.

8. Notwithstanding any other provisions of this section, following a membership vote to dissolve the credit union, the director of the division of credit unions, or his or her appointee, may at the request of the board of directors proceed to bring about an orderly dissolution of the credit union as provided in subsection 4 of this section.

370.355. CERTIFICATE OF MERGER OR CONSOLIDATION, ISSUED WHEN — COPIES, WHERE FILED. — 1. Upon approval by the director of the division of credit unions, articles of merger or articles of consolidation shall be executed [in triplicate,] by each credit union, by its [president] **chair**, or a vice [president] **chair**, and verified by him **or her**, and with the corporate seal of each credit union affixed thereto, attested by its secretary or an assistant secretary, and shall set forth:

- (1) The plan of merger or plan of consolidation;
- (2) The total membership of each credit union; **and**
- (3) As to each credit union the number of members voting for and against the plan, respectively.

2. If the director of the division of credit unions finds that the articles conform to law, when all required taxes or fees have been paid, [he] **the director** shall file the same, keeping one copy as a permanent record, forward a copy to the secretary of state after having issued a certificate of merger or a certificate of consolidation, and a verified copy of the certificate, to which [he] **the director** shall affix the other copy of the articles.

3. Upon the issuance of the certificate of merger or the certificate of consolidation by the director of the division of credit unions, the merger or consolidation shall be effected.

4. The certificate of merger with a copy of the articles of merger affixed thereto by the director of the division of credit unions, or the certificates of consolidation with the copy of the articles of consolidation and certified copy thereof, with the copy of the articles of consolidation affixed thereto by the director of the division of credit unions, shall be returned to the surviving credit union, or new credit union, as the case may be, or to its representative.

370.356. SHAREHOLDER MAY OBJECT TO MERGER OR CONSOLIDATION, PROCEDURE — PAYMENT OF VALUE OF SHARES. — 1. If a shareholder of a credit union which is a party to a merger or consolidation files with such credit union, prior to or at the meeting of shareholders or members at which the plan of merger or consolidation is submitted to a vote, a written objection to such a plan of merger or consolidation, and shall not vote in favor thereof, and the shareholder within ten days after the merger or consolidation is effected, makes written demand on the surviving or new credit union for payment of the fair value of his **or her** share as of the day prior to the date on which the vote was taken approving the merger or consolidation, the surviving or new credit union shall pay to such shareholder, upon surrender of his **or her** pass book or other record representing the shares, the fair value thereof as reflected by the books of the company, not including any goodwill or statutory reserve fund that may be had by the credit union.

2. The demand shall state the number of shares owned by the dissenting shareholder.

3. Any shareholder failing to make demand within the ten day period shall be conclusively presumed to have consented to the merger or consolidation, and shall be bound by the terms thereof.

370.358. FOREIGN CREDIT UNION MAY APPLY FOR CERTIFICATE — TRANSFER OF DOMESTIC CREDIT UNION TO ANOTHER STATE. — 1. A credit union organized under the laws of another state may apply to the director of the division of credit unions for a certificate of organization as a credit union under the laws of this state and may be issued such a certificate by complying with the provisions of this section.

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2. The application shall state:

- (1) The name of the credit union and the state or country under the laws of which it is organized;
- (2) The date of its organization and the period of its duration;
- (3) The place where its business office will be located in this state;
- (4) The names and address of its directors and officers;
- (5) A statement of its capital and the amount of its surplus, if any; **and**

(6) Such additional information as may be necessary or appropriate in order to enable the director of the division of credit unions to determine whether the credit union should be issued a certificate of organization.

3. The application shall be executed [in triplicate] by the credit union by its [president] **chair** or a vice [president] **chair** and verified by him **or her**.

4. There shall be delivered to the director of the division of credit unions with the application a copy of its certificate of organization in the state in which it is organized, and all amendments thereto and a copy of its bylaws and amendments duly authenticated by the proper officer of the state or country where it was organized. There shall also be submitted a statement similarly authenticated that the credit union is in good standing in the state or country.

5. (1) When the application is filed in conformity with the foregoing sections and the same fee paid to the director of the division of credit unions as would be paid by applicants for organization of a credit union in Missouri, the director of the division of credit unions, if he **or she** finds the application is in conformity herewith, may issue a certificate of organization creating the credit union as a Missouri corporation pending cancellation of its charter in the state in which it is organized, but having a duration of ninety days. A copy of the certificate shall be filed in the office of the secretary of state.

(2) When the director of the division of credit unions receives a certificate duly authenticated by the proper officer of the state or country where it was organized that the credit union's charter in that state has been cancelled, then [he] **the director** shall issue a certificate of approval as provided for in subsection 2 of section 370.040.

(3) Thereafter, the provisions of subsections 2, 3 and 4 of section 370.040 shall be followed in organizing the credit union as a Missouri corporation.

6. Any credit union organized under the laws of this state and in good standing may transfer its charter to another state or country by complying with the following requirements:

(1) The proposition for the transfer shall first be approved by the board of directors of the credit union and a date set for a vote thereon by the members. Written notice of the proposition to transfer and of the date of the members' meeting to vote on the same shall be mailed **or delivered** to each member at the member's address as it appears on the credit union records, not more than thirty nor less than seven days prior to the date. Approval of the proposition to transfer shall be by the affirmative vote of a majority of the members voting in person or by a written **or electronic** ballot filed with the credit union secretary on or before the date of the meeting. The board of directors may prescribe the form of the ballot and the procedure for its use.

(2) An application for the transfer shall be filed with the director of the division of credit unions with a statement of the results of the vote of the meeting verified by the affidavits of the president or vice president and the secretary of the credit union within ten days after the date of the meeting.

(3) The transfer of the credit union to another state or country shall be subject to the approval of the director of the division of credit unions.

(4) After the application and approval, there shall be filed with the director of the division of credit unions a written certificate duly authenticated by the official of another state or country in charge of issuing credit union charters stating that upon cancellation of the charter of the Missouri credit union it will be organized as a credit union in the state or country with all of the rights of its members unimpaired.

(5) When the foregoing provisions are complied with the director of the division of credit unions may issue a certificate of cancellation of the credit union charter, a copy of which shall be filed with the secretary of state.

370.359. CONVERSION FROM STATE TO FEDERAL OR FEDERAL TO STATE CREDIT UNION, PROCEDURE. — 1. A credit union holding a certificate of organization under the laws of this state may be converted into a federal credit union under the laws of the United States by complying with the following requirements:

(1) The proposition for the conversion shall first be approved, and a date set for a vote thereon by the members, either at a meeting to be held on the date or by ballot to be cast on or before the date, by a majority of the directors of the state credit union. Written notice of the proposition and of the date set for the vote shall then be delivered in person to each member, or mailed or delivered to each member at the address for the member appearing on the records of the credit union, not more than thirty nor less than fourteen days prior to the date. Approval of the proposition for conversion shall be by the affirmative vote of a majority of the members who vote by written or electronic ballot. All members should be provided the opportunity to vote, without being required to attend the meeting where the proposition is voted on;

(2) A statement of the results of the vote, verified by the affidavits of the [president] **chair** or vice [president] **chair** and the secretary, shall be filed with the director of the division of credit unions and the secretary of state within ten days after the vote is taken;

(3) Promptly after the vote is taken and in no event later than ninety days thereafter, if the proposition for conversion was approved by the vote, the credit union shall take such action as may be necessary under the United States law to make it a federal credit union, and within ten days after receipt of the federal credit union charter there shall be filed with the secretary of state and the director of the division of credit unions, a copy of the charter thus issued. Upon filing, the credit union shall cease to be a state credit union;

(4) Upon ceasing to be a state credit union, the credit union shall no longer be subject to any of the provisions of this chapter. The successor federal credit union shall be vested with all of the assets and shall continue responsible for all the obligations of the state credit union to the same extent as though the conversion had not taken place.

2. A federal credit union, organized under the laws of the United States, may be converted into a state credit union by:

(1) Complying with all federal requirements requisite to enabling it to convert to a state credit union;

(2) Filing with the director of the division of credit unions proof of the compliance, satisfactory to him **or her**; and

(3) Filing with the director of the division of credit unions a certificate of organization as required by this chapter.

3. When the director of the division of credit unions has been satisfied that all of these requirements, and all other requirements of this chapter, have been complied with, he **or she** shall approve the organization certificate, a copy of which shall be filed with the secretary of state. Upon approval, the federal credit union shall become a state credit union as of the date it ceases to be a federal credit union. The state credit union shall be vested with all of the assets and shall continue responsible for all of the obligations of the federal credit union to the same extent as though the conversion had not taken place.

376.945. ESCROW ACCOUNT, AMOUNT REQUIRED — PRINCIPAL, HOW RELEASED, INVESTMENT. — 1. The department shall, as a condition of the issuance of a certificate of authority pursuant to section 376.935, require that the provider establish a reserve of an amount equal to at least

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fifty percent of any entrance fee paid by the first occupant of a living unit under a life care contract. The reserve shall be maintained by the provider on a current basis, in escrow with a bank, trust company, or other escrow agent approved by the department. [Such] **The entire amount of such** reserve shall be amortized and earned by **and available for release to** the provider at the rate of one percent per month on the balance of the reserve, provided, however, that at no time shall the entrance fee reserve together with all interest earned thereon total less than an amount equal to one [and one-half times the percentage] **hundred percent** of the annual long-term debt principal and interest payments of the provider applicable only to living units occupied under life care contracts. Such portion of each entrance fee as is necessary to maintain the entrance fee reserve as set forth herein shall be paid to the reserve fund for the second and all subsequent occupancies of a living unit occupied under a life care contract. **The requirements of this subsection may be met in whole or in part by other reserve funds held for the purpose of meeting loan obligations, provided that the total amount equals or exceeds the amount required under this subsection.**

2. In addition, each provider shall establish and maintain separately for each facility, a reserve equal to not less than five percent of the facility's total outstanding balance of contractually obligated move-out refunds at the close of each fiscal year. [All reserves required hereunder for move-out refunds]

3. **All reserve funds held under subsection 1 or 2 of this section** shall be held in liquid assets consisting of federal government or other marketable securities, deposits, or accounts insured by the federal government.

4. This section shall be applicable only to life care contracts executed for occupancy of living units constructed after September 28, 1981.

385.015. SCOPE OF LAW. — All life insurance, accident and sickness insurance, involuntary unemployment insurance, credit casualty insurance, and property insurance written in connection with loans or other credit transactions shall be subject to the provisions of sections 385.010 to 385.080, except insurance for which no identifiable charge is made to the debtor and insurance written in connection with a loan or other credit transaction of more than [ten] **fifteen** years duration; nor shall insurance be subject to the provisions of sections 385.010 to 385.080 if the issuance of the insurance is an isolated transaction on the part of the insurer not related to an agreement or a plan for insuring debtors of the creditor or where the issuance of such insurance is in connection with a residential real estate secured credit transaction commitment exceeding twenty-five thousand dollars, which may be accessed on a discretionary basis by the debtor.

408.512. LOANS BY TRADITIONAL INSTALLMENT LOAN LENDERS. — 1. Any traditional installment loan lender licensed under sections 367.100 to 367.200 or section 408.510 shall be permitted to make loans and charge fees and interest as authorized under sections 408.100, 408.140, and 408.170.

2. No charter provision, ordinance, rule, order, permit, policy, guideline, or other governmental action of any political subdivision of the state, local government, city, county, or any agency, authority, board, commission, department, or officer thereof shall:

(1) Prevent, restrict, or discourage traditional installment loan lenders from lending under sections 408.100, 408.140, and 408.170;

(2) Prevent, restrict, or discourage traditional installment loan lenders from operating in any location where any lender who makes loans payable in equal installments over more than ninety days is permitted; or

(3) Create **any** disincentives for any traditional installment loan lender from engaging in lending under sections 408.100, 408.140, and 408.170. **Any fee charged to any traditional installment loan lender that is not charged to all lenders licensed or regulated by the division of finance shall be a disincentive in violation of this section.**

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The provisions of this subsection shall not apply where a charter provision or valid ordinance as of August 28, 2014, expressly applies to traditional installment loan lenders.

3. As used in this section, the following terms shall mean:

(1) "Fully amortized", the principal, defined as amount financed under the federal Truth in Lending Act, and the scheduled interest, defined as finance charge under the federal Truth in Lending Act, are repaid in substantially equal multiple installments at fixed intervals to fulfill the consumer's obligation;

(2) "Traditional installment loan", fixed rate, fully amortized closed-end extensions of direct consumer loans. However, if any of the following are true, the transaction is not a traditional installment loan:

(a) The transaction has a repayment term of one hundred eighty-one days or fewer and is secured by the title to the borrower's motor vehicle or auto;

(b) The transaction requires that the full amount of the credit extended together with all fees and charges for the credit be repaid in ninety-one days or fewer;

(c) The transaction's scheduled repayment plan contains one or more interest-only payments or a payment that is more than ten percent greater than the average of all other scheduled payment amounts;

(d) The transaction, at origination, requires the borrower:

a. To agree to a preauthorized automatic withdrawal in the form of a bank draft, a preapproved automated clearing house or its equivalent;

b. To agree to an allotment or an agreement to defer presentment of one or more contemporaneously-dated or postdated checks; or

c. To repay the loan in full at a borrower's next payday or other recurring deposit cycle, where the repayment is connected with a bank account;

(3) "Traditional installment loan lender", a licensee under sections 367.100 to 367.200 or section 408.510 whose direct consumer loans are limited only to traditional installment loans.

4. Nothing in this section shall apply to or preempt any ordinance governing installment lenders, or any amendment to any such ordinance, in a home rule city with more than four hundred thousand inhabitants and located in more than one county.

5. Traditional installment loan lenders may charge, in addition to any other contractual fees, a convenience fee or surcharge for payments made by a debit or credit card in an amount not to exceed any third-party charge.

6. Any traditional installment loan lender who prevails against a political subdivision in an action to enforce this section or in defending an action using this section as a defense shall receive from the political subdivision costs actually incurred including, but not limited to, attorney's fees.

409.605. DEFINITIONS. — As used in sections 409.600 to 409.630, the following terms shall mean:

(1) "Agencies", the department of health and senior services and the commissioner of securities;

(2) "Agent", shall have the same meaning as in section 409.1-102;

(3) "Broker-dealer", shall have the same meaning as in section 409.1-102;

(4) "Financial exploitation", the wrongful or unauthorized taking, withholding, appropriation, or use of money, real property, or personal property of a qualified adult;

(5) "Immediate family member", a spouse, child, parent, or sibling of a qualified adult;

(6) **"Investment adviser", the same meaning as under section 409.1-102;**

(7) **"Investment adviser representative", shall have the same meaning as under section 409.1-102;**

(8) "Qualified adult":

(a) A person sixty years of age or older; or

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- (b) A person who:
 - a. Has a disability as defined in section 192.2005; and
 - b. Is between the ages of eighteen and fifty-nine;
- [(7)] **(9) "Qualified individual"[:**
- (a) A broker-dealer;**
- (b) An investment adviser; or**
- (c) A person associated with a broker-dealer or investment adviser who serves in a supervisory, compliance, or legal capacity as part of his or her job.**

409.610. FINANCIAL EXPLOITATION, NOTIFICATION OF AGENCIES AND FAMILY MEMBERS. — If a qualified individual reasonably believes that financial exploitation of a qualified adult has occurred, has been attempted, or is being attempted, the qualified individual may notify the agencies. Subsequent to notifying the agencies, an agent, **investment adviser representative**, or qualified individual may notify an immediate family member, legal guardian, conservator, co-trustee, successor trustee, or agent under a power of attorney of the qualified adult **or other individual reasonably associated with the qualified adult** of such belief. **The agencies may provide information regarding a qualified adult to the reporting qualified individual, agent, or investment adviser representative upon request.**

409.615. REFUSAL OF REQUEST FOR DISBURSEMENT OR TRANSACTION, WHEN — EXPIRATION. — 1. A qualified individual may refuse a request for disbursement **or transaction** from the account of a qualified adult, or an account on which a qualified adult is a beneficiary or beneficial owner, if:

- (1) The qualified individual reasonably believes that the requested disbursement **or transaction** will result in financial exploitation of the qualified adult; and
- (2) The [broker-dealer or] qualified individual[:
 - (a)], within two business days:
 - (a) Makes a reasonable effort to notify all parties authorized to transact business on the account orally or in writing, unless such parties are reasonably believed to have engaged in suspected or attempted financial exploitation of the qualified adult; [and]**
 - (b) [Within three business days] Notifies the agencies; and**
 - (c) Sends written notice to the qualified adult. Such notice shall include the name and contact information for the qualified individual who refused the disbursement or transaction and for the investor protection hotline administered by the securities division of the secretary of state.**

2. Any refusal of a disbursement **or transaction** as authorized by this section shall expire upon the sooner of:

- (1) The time when the [broker-dealer or] qualified individual reasonably believes that the disbursement **or transaction** will not result in financial exploitation of the qualified adult; or
- (2) Ten business days after the initial refusal of disbursement **or transaction** by the qualified individual.

3. **Notwithstanding subsection 2 of this section to the contrary, following the refusal by a qualified individual of an initial request for disbursement or transaction from the account of a qualified adult:**

- (1) A court of competent jurisdiction may enter an order extending the refusal of a disbursement or transaction or any other protective relief;**
- (2) The commissioner of securities may enter an order extending the refusal of a disbursement or transaction for the time necessary to protect the qualified adult; or**

(3) The director of the department of health and senior services, after notifying the commissioner of securities, may enter an order to extend the refusal of a disbursement or transaction for the time necessary to protect the qualified adult.

Subsequent to the issuance of an order under subdivision (2) or (3) of this subsection, the agency that issued the order shall conduct a review of the circumstances every thirty days to determine if the order extension should remain in effect.

409.620. IMMUNITY FROM LIABILITY, WHEN. — Notwithstanding any other provision of law to the contrary, [a broker-dealer] **an investment adviser representative**, agent, or qualified individual who, in good faith and exercising reasonable care, complies with section 409.610 or 409.615 shall be immune from any civil liability under those sections.

409.625. RECORDS, PROVIDED TO AGENCIES OR LAW ENFORCEMENT, WHEN. — A [broker-dealer may] **qualified individual shall, upon request**, provide access to or copies of records that are relevant to the suspected financial exploitation of a qualified adult to the agencies or law enforcement. The records may include historical records or records relating to the most recent disbursement as well as disbursements that comprise the suspected financial exploitation of a qualified adult. All records made available to the agencies under this section shall not be considered a public record as defined under chapter 610.

409.630. WEBSITE FOR TRAINING RESOURCES TO PREVENT AND DETECT FINANCIAL EXPLOITATION. — No later than September 1, [2016] **2021**, the commissioner of securities shall develop and make available a website that includes training resources to assist broker-dealers [and], **investment advisers, agents, and investment adviser representatives** in the prevention and detection of financial exploitation of qualified adults. Such resources shall include, at a minimum, indicators of financial exploitation of qualified adults and potential steps broker-dealers [and], **investment advisers, agents, and investment adviser representatives** may take to prevent suspected financial exploitation of qualified adults as authorized by law.

409.3-302. NOTICE FILING. — (a) With respect to a federal covered security, as defined in Section 18(b)(2) of the Securities Act of 1933 (15 U.S.C. Section 77r(b)(2)), that is not otherwise exempt under sections 409.2-201 to 409.2-203, a rule adopted or order issued under this act may require the filing of any or all of the following records:

(1) Before the initial offer of a federal covered security in this state, all records that are part of a federal registration statement filed with the Securities and Exchange Commission under the Securities Act of 1933 and a consent to service of process complying with section 409.6-611 signed by the issuer and the payment of a fee of one hundred dollars;

(2) After the initial offer of the federal covered security in this state, all records that are part of an amendment to a federal registration statement filed with the Securities and Exchange Commission under the Securities Act of 1933; and

(3) To the extent necessary or appropriate to compute fees, a report of the value of the federal covered securities sold or offered to persons present in this state, if the sales data are not included in records filed with the Securities and Exchange Commission and payment of a fee of one-twentieth of one percent of the amount of securities sold in this state during that previous fiscal year. In no case shall this fee exceed three thousand dollars.

(b) A notice filing under subsection (a) is effective for one year commencing on the later of the notice filing or the effectiveness of the offering filed with the Securities and Exchange Commission.

On or before expiration, the issuer may renew a notice filing by filing a copy of those records filed by the issuer with the Securities and Exchange Commission that are required by rule or order under this act to be filed and by paying a renewal fee of one hundred dollars. A previously filed consent to service of process complying with section 409.6-611 may be incorporated by reference in a renewal. A renewed notice filing becomes effective upon the expiration of the filing being renewed.

(c) With respect to a security that is a federal covered security under Section 18(b)(4)(D) of the Securities Act of 1933 (15 U.S.C. Section 77r(b)(4)(D)), a rule under this act may require a notice filing by or on behalf of an issuer to include a copy of Form D, including the Appendix, as promulgated by the Securities and Exchange Commission, and a consent to service of process complying with section 409.6-611 signed by the issuer not later than fifteen days after the first sale of the federal covered security in this state and the payment of a fee of one hundred dollars; and the payment of a fee of fifty dollars for any late filing.

(d) Except with respect to a federal security under Section 18(b)(1) of the Securities Act of 1933 (15 U.S.C. Section 77r(b)(1)), if the commissioner finds that there is a failure to comply with a notice or fee requirement of this section, the commissioner may issue a stop order suspending the offer and sale of a federal covered security in this state. If the deficiency is corrected, the stop order is void as of the time of its issuance and no penalty may be imposed by the commissioner.

(e) **With respect to a security that is a federal covered security under Section 18(b)(3) or 18(b)(4) of the Securities Act of 1933 (15 U.S.C. Section 77r(b)(3) or 77r(b)(4)), a rule under this act may require a notice filing by or on behalf of an issuer to include:**

(1) A copy of Form 1-A, Parts I through III, as well as all other forms and appendices required and promulgated by the Securities and Exchange Commission;

(2) A consent to service of process complying with section 409.6-611 signed by the issuer no later than the fifteenth day after the first sale of the federal covered security in this state and the payment of a fee of one hundred dollars; and

(3) The payment of a fee of fifty dollars for any late filing.

409.4-412. DENIAL, REVOCATION, SUSPENSION, WITHDRAWAL, RESTRICTION, CONDITION, OR LIMITATION OF REGISTRATION. — (a) If the commissioner finds that the order is in the public interest and subsection (d) authorizes the action, an order issued under this act may deny an application, or may condition or limit registration: (1) of an applicant to be a broker-dealer, agent, investment adviser, or investment adviser representative, and (2) if the applicant is a broker-dealer or investment adviser, of any partner, officer, director, person having a similar status or performing similar functions, or person directly or indirectly controlling the broker-dealer or investment adviser.

(b) If the commissioner finds that the order is in the public interest and subsection (d) authorizes the action an order issued under this act may revoke, suspend, condition, or limit the registration of a registrant and if the registrant is a broker-dealer or investment adviser, any partner, officer, or director, any person having a similar status or performing similar functions, or any person directly or indirectly controlling the broker-dealer or investment adviser. However, the commissioner:

(1) May not institute a revocation or suspension proceeding under this subsection based on an order issued by another state that is reported to the commissioner or designee later than one year after the date of the order on which it is based; and

(2) Under subsection (d)(5)(A) and (B), may not issue an order on the basis of an order under the state securities act of another state unless the other order was based on conduct for which subsection (d) would authorize the action had the conduct occurred in this state.

(c) If the commissioner finds that the order is in the public interest and subsection (d)(1) to (6), (8), (9), (10), or (12) and (13) authorizes the action, an order under this act may censure, impose a bar, or impose a civil penalty in an amount not to exceed [a maximum of five] **twenty-five** thousand dollars

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for [a single] **each** violation [or fifty thousand dollars for several violations] on a registrant and, if the registrant is a broker-dealer or investment adviser, **on** any partner, officer, or director, any person having similar functions, or any person directly or indirectly controlling the broker-dealer or investment adviser.

(d) A person may be disciplined under subsections (a) to (c) if the person:

(1) Has filed an application for registration in this state under this act or the predecessor act within the previous ten years, which, as of the effective date of registration or as of any date after filing in the case of an order denying effectiveness, was incomplete in any material respect or contained a statement that, in light of the circumstances under which it was made, was false or misleading with respect to a material fact;

(2) Willfully violated or willfully failed to comply with this act or the predecessor act or a rule adopted or order issued under this act or the predecessor act within the previous ten years;

(3) Has been convicted of a felony or within the previous ten years has been convicted of a misdemeanor involving a security, a commodity future or option contract, or an aspect of a business involving securities, commodities, investments, franchises, insurance, banking, or finance;

(4) Is enjoined or restrained by a court of competent jurisdiction in an action instituted by the commissioner under this act or the predecessor act, a state, the Securities and Exchange Commission, or the United States from engaging in or continuing an act, practice, or course of business involving an aspect of a business involving securities, commodities, investments, franchises, insurance, banking, or finance;

(5) Is the subject of an order, issued after notice and opportunity for hearing by:

(A) The securities, depository institution, insurance, or other financial services regulator of a state or by the Securities and Exchange Commission or other federal agency denying, revoking, barring, or suspending registration as a broker-dealer, agent, investment adviser, federal covered investment adviser, or investment adviser representative;

(B) The securities regulator of a state or by the Securities and Exchange Commission against a broker-dealer, agent, investment adviser, investment adviser representative, or federal covered investment adviser;

(C) The Securities and Exchange Commission or by a self-regulatory organization suspending or expelling the registrant from membership in the self-regulatory organization;

(D) A court adjudicating a United States Postal Service fraud order;

(E) The insurance regulator of a state denying, suspending, or revoking the registration of an insurance agent; or

(F) A depository institution regulator suspending or barring a person from the depository institution business;

(6) Is the subject of an adjudication or determination, after notice and opportunity for hearing, by the Securities and Exchange Commission, the Commodity Futures Trading Commission; the Federal Trade Commission; a federal depository institution regulator, or a depository institution, insurance, or other financial services regulator of a state that the person willfully violated the Securities Act of 1933, the Securities Exchange Act of 1934, the Investment Advisers Act of 1940, the Investment Company Act of 1940, or the Commodity Exchange Act, the securities or commodities law of a state, or a federal or state law under which a business involving investments, franchises, insurance, banking, or finance is regulated;

(7) Is insolvent, either because the person's liabilities exceed the person's assets or because the person cannot meet the person's obligations as they mature, but the commissioner may not enter an order against an applicant or registrant under this paragraph without a finding of insolvency as to the applicant or registrant;

(8) Refuses to allow or otherwise impedes the commissioner from conducting an audit or inspection under section 409.4-411(d) or refuses access to a registrant's office to conduct an audit or inspection under section 409.4-411(d);

(9) Has failed to reasonably supervise an agent, investment adviser representative, or other individual, if the agent, investment adviser representative, or other individual was subject to the person's supervision and committed a violation of this act or the predecessor act or a rule adopted or order issued under this act or the predecessor act within the previous ten years;

(10) Has not paid the proper filing fee within thirty days after having been notified by the commissioner of a deficiency, but the commissioner shall vacate an order under this paragraph when the deficiency is corrected;

(11) After notice and opportunity for a hearing, has been found within the previous ten years:

(A) By a court of competent jurisdiction to have willfully violated the laws of a foreign jurisdiction under which the business of securities, commodities, investment, franchises, insurance, banking, or finance is regulated;

(B) To have been the subject of an order of a securities regulator of a foreign jurisdiction denying, revoking, or suspending the right to engage in the business of securities as a broker-dealer, agent, investment adviser, investment adviser representative, or similar person; or

(C) To have been suspended or expelled from membership by or participation in a securities exchange or securities association operating under the securities laws of a foreign jurisdiction;

(12) Is the subject of a cease and desist order issued by the Securities and Exchange Commission or issued under the securities, commodities, investment, franchise, banking, finance, or insurance laws of a state;

(13) Has engaged in dishonest or unethical practices in the securities, commodities, investment, franchise, banking, finance, or insurance business within the previous ten years; or

(14) Is not qualified on the basis of factors such as training, experience, and knowledge of the securities business. However, in the case of an application by an agent for a broker-dealer that is a member of a self-regulatory organization or by an individual for registration as an investment adviser representative, a denial order may not be based on this paragraph if the individual has successfully completed all examinations required by subsection (e). The commissioner may require an applicant for registration under section 409.4-402 or 409.4-404 who has not been registered in a state within the two years preceding the filing of an application in this state to successfully complete an examination.

(e) A rule adopted or order issued under this act may require that an examination, including an examination developed or approved by an organization of securities regulators, be successfully completed by a class of individuals or all individuals. An order issued under this act may waive, in whole or in part, an examination as to an individual and a rule adopted under this act may waive, in whole or in part, an examination as to a class of individuals if the commissioner determines that the examination is not necessary or appropriate in the public interest and for the protection of investors.

(f) The commissioner may suspend or deny an application summarily; restrict, condition, limit, or suspend a registration; or censure, bar, or impose a civil penalty on a registrant before final determination of an administrative proceeding. Upon the issuance of an order, the commissioner shall promptly notify each person subject to the order that the order has been issued, the reasons for the action, and that within fifteen days after the receipt of a request in a record from the person the matter will be scheduled for a hearing. If a hearing is not requested and none is ordered by the commissioner within thirty days after the date of service of the order, the order becomes final by operation of law. If a hearing is requested or ordered, the commissioner, after notice of and opportunity for hearing to each person subject to the order, may modify or vacate the order or extend the order until final determination.

(g) An order issued may not be issued under this section, except under subsection (f), without:

(1) Appropriate notice to the applicant or registrant;

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(2) Opportunity for hearing; and

(3) Findings of fact and conclusions of law in a record.

(h) A person that controls, directly or indirectly, a person not in compliance with this section may be disciplined by order of the commissioner under subsections (a) to (c) to the same extent as the noncomplying person, unless the controlling person did not know, and in the exercise of reasonable care could not have known, of the existence of conduct that is a ground for discipline under this section.

(i) The commissioner may not institute a proceeding under subsection (a), (b), or (c) based solely on material facts actually known by the commissioner unless an investigation or the proceeding is instituted within one year after the commissioner actually acquires knowledge of the material facts.

(j) Any applicant denied an agent, broker-dealer, investment adviser or investment adviser representative registration by order of the commissioner pursuant to subsection (a) may file a petition with the administrative hearing commission alleging that the commissioner has denied the registration. The administrative hearing commission shall conduct hearings and make findings of fact and conclusions of law. The commissioner shall have the burden of proving a ground for denial pursuant to this act.

(k) If a proceeding is instituted to revoke or suspend a registration of any agent, broker-dealer, investment adviser, or investment adviser representative pursuant to subsection (b), the commissioner shall refer the matter to the administrative hearing commission. The administrative hearing commission shall conduct hearings and make findings of fact and conclusions of law in such cases. The commissioner shall have the burden of proving a ground for suspension or revocation pursuant to this act. The administrative hearing commission shall submit its findings of fact and conclusions of law to the commissioner for final disposition.

(l) Hearing procedures before the commissioner or the administrative hearing commission and judicial review of the decisions and orders of the commissioner and of the administrative hearing commission, and all other procedural matters pursuant to this act shall be governed by the provisions of chapter 536. Hearings before the administrative hearing commission shall also be governed by the provisions of chapter 621.

409.6-604. ADMINISTRATIVE ENFORCEMENT. — (a) If the commissioner determines that a person has engaged, is engaging, or is about to engage in an act, practice, or course of business constituting a violation of this act or a rule adopted or order issued under this act or that a person has materially aided, is materially aiding, or is about to materially aid an act, practice, or course of business constituting a violation of this act or a rule adopted or order issued under this act, the commissioner may:

(1) Issue an order directing the person to cease and desist from engaging in the act, practice, or course of business or to take other action necessary or appropriate to comply with this act;

(2) Issue an order denying, suspending, revoking, or conditioning the exemptions for a broker-dealer under section 409.4-401(b)(1)(D) or (F) or an investment adviser under section 409.4-403(b)(1)(C); or

(3) Issue an order under section 409.2-204.

(b) An order under subsection (a) is effective on the date of issuance. Upon issuance of the order, the commissioner shall promptly serve each person subject to the order with a copy of the order and a notice that the order has been entered. The order must include a statement whether the commissioner will seek a civil penalty or costs of the investigation, a statement of the reasons for the order, and notice that, within fifteen days after receipt of a request in a record from the person, the matter will be scheduled for a hearing. If a person subject to the order does not request a hearing and none is ordered by the commissioner within thirty days after the date of service of the order, the order becomes final as to that person by operation of law. If a hearing is requested or ordered, the commissioner, after notice of and

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opportunity for hearing to each person subject to the order, may modify or vacate the order or extend it until final determination.

(c) If a hearing is requested or ordered pursuant to subsection (b), a hearing before the commissioner must be provided. A final order may not be issued unless the commissioner makes findings of fact and conclusions of law in a record in accordance with the provisions of chapter 536 and procedural rules promulgated by the commissioner. The final order may make final, vacate, or modify the order issued under subsection (a).

(d) In a final order under subsection (c), the commissioner may:

(1) Impose a civil penalty up to [one] **twenty-five** thousand dollars for [a single] **each** violation [or up to ten thousand dollars for more than one violation];

(2) Order a person subject to the order to pay restitution for any loss, including the amount of any actual damages that may have been caused by the conduct and interest at the rate of eight percent per year from the date of the violation causing the loss or disgorge any profits arising from the violation;

(3) In addition to any civil penalty otherwise provided by law, impose an additional civil penalty not to exceed [five] **fifteen** thousand dollars for each such violation if the commissioner finds that a person subject to the order has violated any provision of this act and that such violation was committed against an elderly or disabled person. For purposes of this section, the following terms mean:

(A) "Disabled person", a person with a physical or mental impairment that substantially limits one or more of the major life activities of such individual, a record of such impairment, or being regarded as having such an impairment;

(B) "Elderly person", a person sixty years of age or older.

(e) In a final order, the commissioner may charge the actual cost of an investigation or proceeding for a violation of this act or a rule adopted or order issued under this act. These funds may be paid into the investor education and protection fund.

(f) If a petition for judicial review of a final order is not filed in accordance with section 409.6-609, the commissioner may file a certified copy of the final order with the clerk of a court of competent jurisdiction. The order so filed has the same effect as a judgment of the court and may be recorded, enforced, or satisfied in the same manner as a judgment of the court.

(g) If a person does not comply with an order under this section, the commissioner may petition a court of competent jurisdiction to enforce the order. The court may not require the commissioner to post a bond in an action or proceeding under this section. If the court finds, after service and opportunity for hearing, that the person was not in compliance with the order, the court may adjudge the person in civil contempt of the order. The court may impose a further civil penalty against the person for contempt in an amount not less than five thousand dollars but not greater than one hundred thousand dollars for each violation and may grant any other relief the court determines is just and proper in the circumstances.

(h) The commissioner is authorized to issue administrative consent orders in the settlement of any proceeding in the public interest under this act.

443.717. PRELICENSING EDUCATION REQUIREMENTS. — 1. Mortgage loan originators shall satisfy a prelicensing education requirement through approved education courses of at least twenty hours approved in accordance with subsection 2 of this section, which shall include at least:

(1) Three hours of federal law and regulations;

(2) Three hours of ethics, which shall include instruction on fraud, consumer protection, and fair lending issues; and

(3) Two hours of training related to lending standards for the nontraditional mortgage product marketplace.

2. For purposes of subsection 1 of this section, preclicensing approved education courses include courses reviewed and approved by the NMLSR based upon reasonable standards. Review and approval of a preclicensing education course shall include review and approval of the course provider.

3. Nothing in this section shall preclude any preclicensing education course, as approved by the NMLSR, that is provided by the employer of the applicant or person who is affiliated with the applicant by an agency contract, or any subsidiary or affiliate of such employer or person.

4. Preclicensing education may be offered in a classroom, online, or by any other means approved by the NMLSR.

5. The preclicensing education requirements approved by the NMLSR in subdivisions (1) to (3) of subsection 1 of this section for any state shall be accepted as credit towards completion of preclicensing education requirements in Missouri.

6. A person previously licensed under sections 443.701 to 443.893 applying to be licensed again shall prove that they have completed all of the continuing education requirements, if any, for the year in which the license was last held.

7. A preclicensing education course completed by an individual shall not satisfy the preclicensing education requirement if the course precedes an application by a certain period as established by the NMLSR.

443.825. APPLICATION CONTENT, OATH AND FORM — FINGERPRINTING, WHEN. — 1. Application for a residential mortgage loan broker license shall be made as provided in sections 443.833 and 443.835. The application shall be in writing, made under oath, and on a form provided by the director.

2. The director may, by rule, revise and conform the residential mortgage loan broker license application and renewal process, and the licensing dates and periods under sections 443.701 to 443.893 to a system of licensing residential mortgage loan brokers administered in cooperation with the NMLSR.

3. The application shall contain the name and complete business and residential address or addresses of the applicant. If the applicant is a form of business organization, the application shall contain the names and complete business and residential addresses of each member, director and principal officer of such person. Such application shall also include a description of the activities of the applicant, in such detail and for such periods as the director may require, including all of the following:

(1) An affirmation of financial solvency noting such capitalization requirements as may be required by the director, and access to such credit as may be required by the director;

(2) An affirmation that the applicant or the applicant's members, directors or principals, as may be appropriate, are at least eighteen years of age;

(3) Information that would support findings under subdivision (4) of section 443.821 as to the character, fitness, financial and business responsibility, background, experience and criminal records of any:

(a) Person or ultimate equitable owner that owns or controls, directly or indirectly, ten percent or more of any class of stock of the applicant;

(b) Person or ultimate equitable owner that is not a depository institution that lends, provides or infuses, directly or indirectly, in any way, funds to or into an applicant, in an amount equal to, or more than, ten percent of the applicant's net worth;

(c) Person or ultimate equitable owner that controls, directly or indirectly, the election of twenty-five percent or more of the members of the board of directors of the applicant; and

(d) Person or ultimate equitable owner that the director finds influences management of the applicant.

4. All persons listed under subdivision (3) of subsection 3 of this section shall furnish fingerprints to the NMLSR for submission to the Federal Bureau of Investigation and any governmental agency or person authorized to receive such information for a state, national, and international criminal history background check.

5. For the purposes of this chapter and in order to reduce the points of contact that the Federal Bureau of Investigation may have to maintain, the director may use the NMLSR as an agent for requesting information from and distributing information to the Department of Justice or any other governmental agency.

443.855. ADVERTISING OF MORTGAGE LOANS, RULEMAKING AUTHORITY. — The director may prescribe rules governing the advertising of mortgage loans, including, without limitation, [the following requirements:

(1)] **rules that** advertising pursuant to sections 443.701 to 443.893 may not be false, misleading or deceptive. No person whose activities are regulated pursuant to the provisions of sections 443.701 to 443.893 may advertise in any manner so as to indicate or imply that the person's interest rates or charges for loans are in any way recommended, approved, set or established by the state or federal government or by the provisions of sections 443.701 to 443.893];

(2) All advertisements by a licensee shall contain the name and an office address of such person, which shall conform to a name and address on record with the director].

443.857. LICENSEE SHALL MAINTAIN AT LEAST ONE FULL-SERVICE OFFICE WITH STAFF, DUTIES TO HANDLE MATTERS RELATING TO MORTGAGE — WAIVER, WHEN. — Each residential mortgage loan broker shall maintain, in the state of Missouri, at least one full-service office with staff reasonably adequate to efficiently handle all matters relating to any proposed or existing home mortgage with respect to which such residential mortgage loan broker is performing services; except that, this provision may be waived by the director for persons providing mortgage loan servicing [under section 443.812] or **exclusively engaged in the business of loan processing or underwriting as defined in this chapter.**

476.419. SECURITIES, MULTIPLE RECIPIENTS, REQUIREMENTS AND LIMITATIONS ON COURT TO DIVIDE. — 1. Notwithstanding any provision of law to the contrary, a court shall not divide securities among multiple recipients in such a way that negotiable securities become nonnegotiable securities.

2. A court may divide securities into increments equal to a multiple of an allowable tradeable amount. For purposes of this section, an "allowable tradeable amount" is the minimum amount or denomination accepted by the industry, as defined in the official statement or offering document of the original security. If the provisions of this section prevent the distribution of property in the proportion that other law requires, a court may:

(1) Distribute different values of securities to different recipients and distribute other property in a way so that the total value of property each recipient receives is as close to the proper proportion as practicable;

(2) Liquidate the securities and distribute the resulting moneys among recipients; or

(3) Take other action within its power, including a combination of subdivisions (1) and (2) of this subsection.

[370.270. ENTRANCE AND TRANSFER FEES. — A credit union may charge an entrance fee, as may be provided in the bylaws which shall, however, not exceed one dollar. Fully paid-up shares may

be transferred to any person upon election to membership, upon such terms as the bylaws may provide and upon the payment of a transfer fee which shall not exceed one dollar.]

Approved July 6, 2020

SS SB 600

Enacts provisions relating to dangerous felonies, with penalty provisions.

AN ACT to repeal sections 545.140, 556.061, 557.021, 562.014, 571.015, 571.070, 578.421, 578.423 and 578.425, RSMo, and to enact in lieu thereof twelve new sections relating to dangerous felonies, with penalty provisions.

SECTION

- A Enacting clause.
- 545.140 Two or more persons and offenses may be charged in same indictment, when — separate counts for each offense — all defendants need not be joined in each count — separate trials, when — substantial prejudice, defined.
- 556.061 Code definitions.
- 557.021 Classification of offenses outside this code.
- 557.045 Ineligibility for probation, SIS, SES, or conditional release, certain offenses.
- 562.014 Conspiracy, offense of — penalty.
- 570.027 Vehicle hijacking, offense of — penalties.
- 571.015 Armed criminal action, offense of — penalty.
- 571.070 Possession of firearm unlawful for certain persons — penalty — exception.
- 578.421 Citation of law — definitions.
- 578.423 Participating knowingly in criminal street gang activities, penalty.
- 578.425 Felony committed to promote or assist criminal conduct by gang members, punishment in addition to regular sentences.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 545.140, 556.061, 557.021, 562.014, 571.015, 571.070, 578.421, 578.423, and 578.425, RSMo, are repealed and twelve new sections enacted in lieu thereof, to be known as sections 545.140, 556.061, 557.021, 557.045, 562.014, 570.027, 571.015, 571.070, 578.419, 578.421, 578.423, and 578.425, to read as follows:

545.140. TWO OR MORE PERSONS AND OFFENSES MAY BE CHARGED IN SAME INDICTMENT, WHEN — SEPARATE COUNTS FOR EACH OFFENSE — ALL DEFENDANTS NEED NOT BE JOINED IN EACH COUNT — SEPARATE TRIALS, WHEN — SUBSTANTIAL PREJUDICE, DEFINED. — 1. Notwithstanding **Missouri** supreme court rule 24.06, two or more defendants may be charged in the same indictment or information if they are alleged to have participated in the same act or transaction or in the same series of acts or transactions constituting an offense. Such defendants may be charged in one or more counts together or separately and all of the defendants need not be charged in each count.

2. Notwithstanding Missouri supreme court rule 24.07, two or more offenses may be charged in the same indictment or information in a separate count for each offense if the offenses charged, whether felonies or misdemeanors or infractions, or any combination thereof, are of the same or similar character

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or are based on the same act or transaction or on two or more acts or transactions connected together or constituting parts of a common scheme or plan.

3. Two or more defendants shall not be charged in the same indictment or information if substantial prejudice should result. For purposes of this section, "substantial prejudice" shall mean a bias or discrimination against one or more defendants or the state which is actually existing or real and not one which is merely imaginary, illusionary or nominal.

4. If two or more defendants are charged with being joint participants in a conspiracy charged under section 562.014, it shall be presumed that there is no substantial prejudice from them being charged in the same indictment or information or from them being tried together.

556.061. CODE DEFINITIONS. — In this code, unless the context requires a different definition, the following terms shall mean:

(1) "Access", to instruct, communicate with, store data in, retrieve or extract data from, or otherwise make any use of any resources of, a computer, computer system, or computer network;

(2) "Affirmative defense":

(a) The defense referred to is not submitted to the trier of fact unless supported by evidence; and

(b) If the defense is submitted to the trier of fact the defendant has the burden of persuasion that the defense is more probably true than not;

(3) "Burden of injecting the issue":

(a) The issue referred to is not submitted to the trier of fact unless supported by evidence; and

(b) If the issue is submitted to the trier of fact any reasonable doubt on the issue requires a finding for the defendant on that issue;

(4) "Commercial film and photographic print processor", any person who develops exposed photographic film into negatives, slides or prints, or who makes prints from negatives or slides, for compensation. The term commercial film and photographic print processor shall include all employees of such persons but shall not include a person who develops film or makes prints for a public agency;

(5) "Computer", the box that houses the central processing unit (CPU), along with any internal storage devices, such as internal hard drives, and internal communication devices, such as internal modems capable of sending or receiving electronic mail or fax cards, along with any other hardware stored or housed internally. Thus, computer refers to hardware, software and data contained in the main unit. Printers, external modems attached by cable to the main unit, monitors, and other external attachments will be referred to collectively as peripherals and discussed individually when appropriate. When the computer and all peripherals are referred to as a package, the term "computer system" is used. Information refers to all the information on a computer system including both software applications and data;

(6) "Computer equipment", computers, terminals, data storage devices, and all other computer hardware associated with a computer system or network;

(7) "Computer hardware", all equipment which can collect, analyze, create, display, convert, store, conceal or transmit electronic, magnetic, optical or similar computer impulses or data. Hardware includes, but is not limited to, any data processing devices, such as central processing units, memory typewriters and self-contained laptop or notebook computers; internal and peripheral storage devices, transistor-like binary devices and other memory storage devices, such as floppy disks, removable disks, compact disks, digital video disks, magnetic tape, hard drive, optical disks and digital memory; local area networks, such as two or more computers connected together to a central computer server via cable or modem; peripheral input or output devices, such as keyboards, printers, scanners, plotters, video display monitors and optical readers; and related communication devices, such as modems, cables and connections, recording equipment, RAM or ROM units, acoustic couplers, automatic dialers, speed dialers, programmable telephone dialing or signaling devices and electronic tone-generating devices; as

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well as any devices, mechanisms or parts that can be used to restrict access to computer hardware, such as physical keys and locks;

(8) "Computer network", two or more interconnected computers or computer systems;

(9) "Computer program", a set of instructions, statements, or related data that directs or is intended to direct a computer to perform certain functions;

(10) "Computer software", digital information which can be interpreted by a computer and any of its related components to direct the way they work. Software is stored in electronic, magnetic, optical or other digital form. The term commonly includes programs to run operating systems and applications, such as word processing, graphic, or spreadsheet programs, utilities, compilers, interpreters and communications programs;

(11) "Computer-related documentation", written, recorded, printed or electronically stored material which explains or illustrates how to configure or use computer hardware, software or other related items;

(12) "Computer system", a set of related, connected or unconnected, computer equipment, data, or software;

(13) "Confinement":

(a) A person is in confinement when such person is held in a place of confinement pursuant to arrest or order of a court, and remains in confinement until:

a. A court orders the person's release; or

b. The person is released on bail, bond, or recognizance, personal or otherwise; or

c. A public servant having the legal power and duty to confine the person authorizes his release without guard and without condition that he return to confinement;

(b) A person is not in confinement if:

a. The person is on probation or parole, temporary or otherwise; or

b. The person is under sentence to serve a term of confinement which is not continuous, or is serving a sentence under a work-release program, and in either such case is not being held in a place of confinement or is not being held under guard by a person having the legal power and duty to transport the person to or from a place of confinement;

(14) "Consent": consent or lack of consent may be expressed or implied. Assent does not constitute consent if:

(a) It is given by a person who lacks the mental capacity to authorize the conduct charged to constitute the offense and such mental incapacity is manifest or known to the actor; or

(b) It is given by a person who by reason of youth, mental disease or defect, intoxication, a drug-induced state, or any other reason is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or

(c) It is induced by force, duress or deception;

(15) "Controlled substance", a drug, substance, or immediate precursor in schedules I through V as defined in chapter 195;

(16) "Criminal negligence", failure to be aware of a substantial and unjustifiable risk that circumstances exist or a result will follow, and such failure constitutes a gross deviation from the standard of care which a reasonable person would exercise in the situation;

(17) "Custody", a person is in custody when he or she has been arrested but has not been delivered to a place of confinement;

(18) "Damage", when used in relation to a computer system or network, means any alteration, deletion, or destruction of any part of the computer system or network;

(19) "Dangerous felony", the felonies of arson in the first degree, assault in the first degree, attempted rape in the first degree if physical injury results, attempted forcible rape if physical injury results, attempted sodomy in the first degree if physical injury results, attempted forcible sodomy if physical injury results, rape in the first degree, forcible rape, sodomy in the first degree, forcible sodomy,

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assault in the second degree if the victim of such assault is a special victim as defined in subdivision (14) of section 565.002, kidnapping in the first degree, kidnapping, murder in the second degree, assault of a law enforcement officer in the first degree, domestic assault in the first degree, elder abuse in the first degree, robbery in the first degree, **armed criminal action, conspiracy to commit an offense when the offense is a dangerous felony, vehicle hijacking when punished as a class A felony**, statutory rape in the first degree when the victim is a child less than twelve years of age at the time of the commission of the act giving rise to the offense, statutory sodomy in the first degree when the victim is a child less than twelve years of age at the time of the commission of the act giving rise to the offense, child molestation in the first or second degree, abuse of a child if the child dies as a result of injuries sustained from conduct chargeable under section 568.060, child kidnapping, parental kidnapping committed by detaining or concealing the whereabouts of the child for not less than one hundred twenty days under section 565.153, and an "intoxication-related traffic offense" or "intoxication-related boating offense" if the person is found to be a "habitual offender" or "habitual boating offender" as such terms are defined in section 577.001;

(20) "Dangerous instrument", any instrument, article or substance, which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury;

(21) "Data", a representation of information, facts, knowledge, concepts, or instructions prepared in a formalized or other manner and intended for use in a computer or computer network. Data may be in any form including, but not limited to, printouts, microfiche, magnetic storage media, punched cards and as may be stored in the memory of a computer;

(22) "Deadly weapon", any firearm, loaded or unloaded, or any weapon from which a shot, readily capable of producing death or serious physical injury, may be discharged, or a switchblade knife, dagger, billy club, blackjack or metal knuckles;

(23) "Digital camera", a camera that records images in a format which enables the images to be downloaded into a computer;

(24) "Disability", a mental, physical, or developmental impairment that substantially limits one or more major life activities or the ability to provide adequately for one's care or protection, whether the impairment is congenital or acquired by accident, injury or disease, where such impairment is verified by medical findings;

(25) "Elderly person", a person sixty years of age or older;

(26) "Felony", an offense so designated or an offense for which persons found guilty thereof may be sentenced to death or imprisonment for a term of more than one year;

(27) "Forcible compulsion" either:

(a) Physical force that overcomes reasonable resistance; or

(b) A threat, express or implied, that places a person in reasonable fear of death, serious physical injury or kidnapping of such person or another person;

(28) "Incapacitated", a temporary or permanent physical or mental condition in which a person is unconscious, unable to appraise the nature of his or her conduct, or unable to communicate unwillingness to an act;

(29) "Infraction", a violation defined by this code or by any other statute of this state if it is so designated or if no sentence other than a fine, or fine and forfeiture or other civil penalty, is authorized upon conviction;

(30) "Inhabitable structure", a vehicle, vessel or structure:

(a) Where any person lives or carries on business or other calling; or

(b) Where people assemble for purposes of business, government, education, religion, entertainment, or public transportation; or

(c) Which is used for overnight accommodation of persons.

Any such vehicle, vessel, or structure is inhabitable regardless of whether a person is actually present. If a building or structure is divided into separately occupied units, any unit not occupied by the actor is an inhabitable structure of another;

(31) "Knowingly", when used with respect to:

(a) Conduct or attendant circumstances, means a person is aware of the nature of his or her conduct or that those circumstances exist; or

(b) A result of conduct, means a person is aware that his or her conduct is practically certain to cause that result;

(32) "Law enforcement officer", any public servant having both the power and duty to make arrests for violations of the laws of this state, and federal law enforcement officers authorized to carry firearms and to make arrests for violations of the laws of the United States;

(33) "Misdemeanor", an offense so designated or an offense for which persons found guilty thereof may be sentenced to imprisonment for a term of which the maximum is one year or less;

(34) "Of another", property that any entity, including but not limited to any natural person, corporation, limited liability company, partnership, association, governmental subdivision or instrumentality, other than the actor, has a possessory or proprietary interest therein, except that property shall not be deemed property of another who has only a security interest therein, even if legal title is in the creditor pursuant to a conditional sales contract or other security arrangement;

(35) "Offense", any felony or misdemeanor;

(36) "Physical injury", slight impairment of any function of the body or temporary loss of use of any part of the body;

(37) "Place of confinement", any building or facility and the grounds thereof wherein a court is legally authorized to order that a person charged with or convicted of a crime be held;

(38) "Possess" or "possessed", having actual or constructive possession of an object with knowledge of its presence. A person has actual possession if such person has the object on his or her person or within easy reach and convenient control. A person has constructive possession if such person has the power and the intention at a given time to exercise dominion or control over the object either directly or through another person or persons. Possession may also be sole or joint. If one person alone has possession of an object, possession is sole. If two or more persons share possession of an object, possession is joint;

(39) "Property", anything of value, whether real or personal, tangible or intangible, in possession or in action;

(40) "Public servant", any person employed in any way by a government of this state who is compensated by the government by reason of such person's employment, any person appointed to a position with any government of this state, or any person elected to a position with any government of this state. It includes, but is not limited to, legislators, jurors, members of the judiciary and law enforcement officers. It does not include witnesses;

(41) "Purposely", when used with respect to a person's conduct or to a result thereof, means when it is his or her conscious object to engage in that conduct or to cause that result;

(42) "Recklessly", consciously disregarding a substantial and unjustifiable risk that circumstances exist or that a result will follow, and such disregard constitutes a gross deviation from the standard of care which a reasonable person would exercise in the situation;

(43) "Serious emotional injury", an injury that creates a substantial risk of temporary or permanent medical or psychological damage, manifested by impairment of a behavioral, cognitive or physical condition. Serious emotional injury shall be established by testimony of qualified experts upon the reasonable expectation of probable harm to a reasonable degree of medical or psychological certainty;

(44) "Serious physical injury", physical injury that creates a substantial risk of death or that causes serious disfigurement or protracted loss or impairment of the function of any part of the body;

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(45) "Services", when used in relation to a computer system or network, means use of a computer, computer system, or computer network and includes, but is not limited to, computer time, data processing, and storage or retrieval functions;

(46) "Sexual orientation", male or female heterosexuality, homosexuality or bisexuality by inclination, practice, identity or expression, or having a self-image or identity not traditionally associated with one's gender;

(47) "Vehicle", a self-propelled mechanical device designed to carry a person or persons, excluding vessels or aircraft;

(48) "Vessel", any boat or craft propelled by a motor or by machinery, whether or not such motor or machinery is a principal source of propulsion used or capable of being used as a means of transportation on water, or any boat or craft more than twelve feet in length which is powered by sail alone or by a combination of sail and machinery, and used or capable of being used as a means of transportation on water, but not any boat or craft having, as the only means of propulsion, a paddle or oars;

(49) "Voluntary act":

(a) A bodily movement performed while conscious as a result of effort or determination. Possession is a voluntary act if the possessor knowingly procures or receives the thing possessed, or having acquired control of it was aware of his or her control for a sufficient time to have enabled him or her to dispose of it or terminate his or her control; or

(b) An omission to perform an act of which the actor is physically capable. A person is not guilty of an offense based solely upon an omission to perform an act unless the law defining the offense expressly so provides, or a duty to perform the omitted act is otherwise imposed by law;

(50) "Vulnerable person", any person in the custody, care, or control of the department of mental health who is receiving services from an operated, funded, licensed, or certified program.

557.021. CLASSIFICATION OF OFFENSES OUTSIDE THIS CODE. — 1. Any offense defined outside this code which is declared to be a misdemeanor without specification of the penalty therefor is a class A misdemeanor.

2. Any offense defined outside this code which is declared to be a felony without specification of the penalty therefor is a class E felony.

3. For the purpose of applying the extended term provisions of section 558.016 and the minimum prison term provisions of section 558.019 and for determining the penalty for attempts [and conspiracies], offenses defined outside of this code shall be classified as follows:

(1) If the offense is a felony:

(a) It is a class A felony if the authorized penalty includes death, life imprisonment or imprisonment for a term of twenty years or more;

(b) It is a class B felony if the maximum term of imprisonment authorized exceeds ten years but is less than twenty years;

(c) It is a class C felony if the maximum term of imprisonment authorized is ten years;

(d) It is a class D felony if the maximum term of imprisonment exceeds four years but is less than ten years;

(e) It is a class E felony if the maximum term of imprisonment is four years or less;

(2) If the offense is a misdemeanor:

(a) It is a class A misdemeanor if the authorized imprisonment exceeds six months in jail;

(b) It is a class B misdemeanor if the authorized imprisonment exceeds thirty days but is not more than six months;

(c) It is a class C misdemeanor if the authorized imprisonment is thirty days or less;

(d) It is a class D misdemeanor if it includes a mental state as an element of the offense and there is no authorized imprisonment;

(e) It is an infraction if there is no authorized imprisonment.

557.045. INELIGIBILITY FOR PROBATION, SIS, SES, OR CONDITIONAL RELEASE, CERTAIN OFFENSES. — No person found guilty of, or pleading guilty to, the following offenses shall be eligible for probation, suspended imposition or execution of sentence, or conditional release, and shall be sentenced to a term of imprisonment pursuant to subdivision (1) of subsection 2 of section 557.011:

(1) Second degree murder when a person knowingly causes the death of another person or, with the purpose of causing serious physical injury to another person, causes the death of another person, as defined in subdivision (1) of subsection 1 in section 565.021;

(2) Any dangerous felony, as the term is defined in section 556.061, where the person has been previously found guilty of a class A or B felony or a dangerous felony; or

(3) Any dangerous felony, as the term is defined in section 556.061, where the commission of the felony involves the use of a deadly weapon, as that term is defined in section 556.061.

562.014. CONSPIRACY, OFFENSE OF — PENALTY. — 1. [Guilt for an offense may be based upon a conspiracy to commit an offense when a person, with the purpose of promoting or facilitating the commission of an offense, agrees with another person or persons that they or one or more of them will engage in conduct which constitutes such offense] **A person commits the offense of conspiracy to commit, in any manner or for any purpose, an offense if the person agrees, with one or more persons, to commit any class A, B, or C felony offense, or any unclassified felony offenses if the maximum term of imprisonment for such unclassified felony exceeds ten years or more, and one or more of such persons do any act in furtherance of such an agreement.**

2. It is no defense to a prosecution for conspiring to commit an offense that a person, who knows that a person with whom he or she conspires to commit an offense has conspired with another person or persons to commit the same offense, does not know the identity of such other person or persons.

3. If a person conspires to commit a number of offenses, he or she can be found guilty of only one offense of conspiracy so long as such multiple offenses are the object of the same agreement.

4. [No person may be convicted of an offense based upon a conspiracy to commit an offense unless an overt act in pursuance of such conspiracy is alleged and proved to have been done by him or her or by a person with whom he or she conspired.

5.] (1) No person shall be convicted of [an offense based upon a] conspiracy to commit an offense if, after conspiring to commit the offense, he or she prevented the accomplishment of the objectives of the conspiracy under circumstances manifesting a renunciation of his or her criminal purpose.

(2) The defendant shall have the burden of injecting the issue of renunciation of criminal purpose under subdivision (1) of this subsection.

[6.] **5.** For the purpose of time limitations on prosecutions:

(1) A conspiracy to commit an offense is a continuing course of conduct which terminates when the offense or offenses which are its object are committed or the agreement that they be committed is abandoned by the defendant and by those with whom he or she conspired;

(2) If an individual abandons the agreement, the conspiracy is terminated as to him or her only if he or she advises those with whom he or she has conspired of his or her abandonment or he or she informs the law enforcement authorities of the existence of the conspiracy and of his or her participation in it.

[7. A person shall not be charged, convicted or sentenced on the basis of the same course of conduct of both the actual commission of an offense and a conspiracy to commit that offense.

8. Unless otherwise set forth in the statute creating the offense, when guilt for a felony or misdemeanor is based upon a conspiracy to commit that offense, the felony or misdemeanor shall be classified one step lower than the class provided for the felony or misdemeanor in the statute creating the offense]

6. The offense of conspiracy to commit an offense is a class C felony.

570.027. VEHICLE HIJACKING, OFFENSE OF — PENALTIES. — 1. A person commits the offense of vehicle hijacking when he or she knowingly uses or threatens the use of physical force upon another person to seize or attempt to seize possession or control of a vehicle, as defined in section 302.010, from the immediate possession or control of another person.

2. The offense of vehicle hijacking is a class B felony unless it meets one of the criteria listed in subsection 3 of this section.

3. The offense of vehicle hijacking is a class A felony if, in the course thereof, a person or another participant in the offense:

(1) Causes serious physical injury to any person in immediate possession, control, or presence of the vehicle;

(2) Is armed with a deadly weapon;

(3) Uses or threatens the immediate use of a dangerous instrument against any person;

(4) Displays or threatens the use of what appears to be a deadly weapon or dangerous instrument; or

(5) Seizes a vehicle, or attempts to seize a vehicle, in which a child or special victim as defined in section 565.002 is present.

571.015. ARMED CRIMINAL ACTION, OFFENSE OF — PENALTY. — 1. [Except as provided in subsection 4 of this section,] Any person who commits any felony under the laws of this state by, with, or through the use, assistance, or aid of a dangerous instrument or deadly weapon is also guilty of the [crime] **offense** of armed criminal action and, upon conviction, shall be punished by imprisonment by the department of corrections [and human resources] for a term of not less than three years **and not to exceed fifteen years, unless the person is unlawfully possessing a firearm, in which case the term of imprisonment shall be for a term of not less than five years.** The punishment imposed pursuant to this subsection shall be in addition to **and consecutive to** any punishment provided by law for the crime committed by, with, or through the use, assistance, or aid of a dangerous instrument or deadly weapon. No person convicted under this subsection shall be eligible for parole, probation, conditional release, or suspended imposition or execution of sentence for a period of three calendar years.

2. Any person convicted of a second offense of armed criminal action **under subsection 1 of this section** shall be punished by imprisonment by the department of corrections [and human resources] for a term of not less than five years **and not to exceed thirty years, unless the person is unlawfully possessing a firearm, in which case the term of imprisonment shall be for a term not less than fifteen years.** The punishment imposed pursuant to this subsection shall be in addition to **and consecutive to** any punishment provided by law for the crime committed by, with, or through the use, assistance, or aid of a dangerous instrument or deadly weapon. No person convicted under this subsection shall be eligible for parole, probation, conditional release, or suspended imposition or execution of sentence for a period of five calendar years.

3. Any person convicted of a third or subsequent offense of armed criminal action **under subsection 1 of this section** shall be punished by imprisonment by the department of corrections [and human resources] for a term of not less than ten years, **unless the person is unlawfully possessing a firearm, in which case the term of imprisonment shall be no less than fifteen years.** The punishment imposed pursuant to this subsection shall be in addition to **and consecutive to** any

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punishment provided by law for the crime committed by, with, or through the use, assistance, or aid of a dangerous instrument or deadly weapon. No person convicted under this subsection shall be eligible for parole, probation, conditional release, or suspended imposition or execution of sentence for a period of ten calendar years.

[4. The provisions of this section shall not apply to the felonies defined in sections 564.590, 564.610, 564.620, 564.630, and 564.640.]

571.070. POSSESSION OF FIREARM UNLAWFUL FOR CERTAIN PERSONS — PENALTY — EXCEPTION. — 1. A person commits the offense of unlawful possession of a firearm if such person knowingly has any firearm in his or her possession and:

(1) Such person has been convicted of a felony under the laws of this state, or of a crime under the laws of any state or of the United States which, if committed within this state, would be a felony; or

(2) Such person is a fugitive from justice, is habitually in an intoxicated or drugged condition, or is currently adjudged mentally incompetent.

2. Unlawful possession of a firearm is a class D felony, **unless a person has been convicted of a dangerous felony as defined in section 556.061, in which case it is a class C felony.**

3. The provisions of subdivision (1) of subsection 1 of this section shall not apply to the possession of an antique firearm.

578.419. CITATION OF LAW — Sections 578.419 to 578.437 shall be known and may be cited as the "Missouri Criminal Street Gangs Prevention Act".

578.421. DEFINITIONS. — As used in sections 578.421 to 578.437, the following terms mean:

(1) "Criminal street gang", any ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its [primary] **motivating** activities the commission of one or more of the criminal acts enumerated in subdivision (2) of this section, [which has a common name or common identifying sign or symbol,] whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity;

(2) "Pattern of criminal street gang activity", the commission, attempted commission, or solicitation of two or more of the following offenses, provided at least one of those offenses occurred after August 28, 1993, and the last of those offenses occurred within three years after a prior offense, and the offenses are committed on separate occasions, or by two or more persons:

(a) Assault with a deadly weapon or by means of force likely to cause serious physical injury, as provided in sections 565.050 and 565.052;

(b) Robbery, arson and those offenses under chapter 569 which are related to robbery and arson;

(c) Murder or manslaughter, as provided in sections 565.020 to 565.024;

(d) Any violation of the provisions of chapter 579 which involves the distribution, delivery or manufacture of a substance prohibited by chapter 579;

(e) Unlawful use of a weapon which is a felony pursuant to section 571.030;

(f) Tampering with witnesses and victims, as provided in section 575.270;

(g) Promoting online sexual solicitation, as provided in section 566.103;

(h) Sexual trafficking of a child in the first degree, as provided in section 566.210;

(i) Sexual trafficking of a child in the second degree, as provided in section 566.211;

(j) Patronizing prostitution, as provided in subsection 4 of section 567.030;

(k) Promoting prostitution in the first degree, as provided in section 567.050;

(l) Promoting prostitution in the second degree, as provided in section 567.060;

(m) Abuse or neglect of a child, as provided in subsection 6 of section 568.060;

(n) Sexual exploitation of a minor, as provided in section 573.023;

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Matter in bold-face type is proposed language.

- (o) Child used in sexual performance, as provided in section 573.200; [or]
- (p) Promoting sexual performance by a child, as provided in section 573.205; **or**
- (q) **Any dangerous felony, as defined in section 556.061.**

578.423. PARTICIPATING KNOWINGLY IN CRIMINAL STREET GANG ACTIVITIES, PENALTY.

— Any person who actively participates in any criminal street gang with knowledge that its members engage in or have engaged in a pattern of criminal street gang activity, and who willfully promotes, furthers, or assists in any felonious criminal conduct by gang members shall be [punished by imprisonment in the county jail for a period not to exceed one year, or by imprisonment in a state correctional facility for one, two, or three years] **guilty of a class B felony.**

578.425. FELONY COMMITTED TO PROMOTE OR ASSIST CRIMINAL CONDUCT BY GANG MEMBERS, PUNISHMENT IN ADDITION TO REGULAR SENTENCES. — Any person who is convicted of a felony [or a misdemeanor] which is committed for the benefit of, at the direction of, or in association with, any criminal street gang, with the [specific intent] **purpose** to promote, further, or assist in any criminal conduct by gang members, shall be punished in the following manner:

(1) [Any person who violates this section in the commission of a misdemeanor shall be punished by imprisonment in the county jail not to exceed one year, or by imprisonment in a state correctional facility for one, two, or three years;

(2)] Any person who violates this section in the commission of a felony shall, upon conviction of that felony, in addition and consecutive to the punishment prescribed for the felony of which he or she has been convicted, be punished by an additional term of [one,] two[, or three] years [at the court's discretion]. If the underlying felony is committed on the grounds of, or within one thousand feet of a public or private elementary, vocational, junior high or high school, the additional term shall be [two,] three[, or four] years[, at the court's discretion. The court shall order the imposition of the middle term of the sentence enhancement, unless there are circumstances in aggravation or mitigation. The court shall state the reasons for its choice of sentence enhancements on the record at the time of sentencing];

(2) **Any person who violates this section in the commission of a dangerous felony shall, upon conviction of that dangerous felony, in addition and consecutive to the punishment prescribed for the dangerous felony of which he or she has been convicted, be punished by an additional term of five years.**

(3) Any person who violates this section in the commission of a felony punishable by death or imprisonment for life shall not be paroled until a minimum of fifteen calendar years have been served [in the custody of the department of corrections].

Approved July 6, 2020

CCS SCS SB 631

Enacts provisions relating to elections, with an emergency clause for certain sections and existing penalty provisions.

AN ACT to repeal sections 36.155, 105.485, 115.277, 115.283, 115.285, 115.291, 115.357, 115.621, 115.642, 115.652, 115.761, 347.740, 351.127, 355.023, 356.233, 359.653, 400.9-528, and 417.018, RSMo, and to enact in lieu thereof nineteen new sections relating to elections, with an emergency clause for certain sections and existing penalty provisions.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION

- A Enacting clause.
- 36.155 Political activities by state employees permitted — prohibited activities.
- 105.485 Financial interest statements — form — contents — political subdivisions, compliance — redaction of certain information, when.
- 115.277 Persons eligible to vote absentee — at-risk category defined.
- 115.283 Statements of absentee voters or persons providing assistance to absentee voters — forms — notary seal not required, when — charges by notaries, limitations.
- 115.285 Secretary of state may prescribe regulations as to printing absentee ballot and mailing envelopes, no cost to voter.
- 115.291 Procedure for absentee ballots — declared emergencies, delivery and return of ballots — envelopes, refusal to accept ballot prohibited when.
- 115.302 Mail-in ballots — application — deadline, storage of ballots — ballot envelope requirements — statement form — delivery of ballots — procedures for voting, return of ballot, death of voter, and processing of ballots — termination date.
- 115.357 Filing fees — declaration of inability to pay, form of.
- 115.621 Congressional, legislative, senatorial and judicial district committees to meet and organize, when.
- 115.642 Complaint procedures — investigations, powers and duties.
- 115.652 Mail-in voting may be conducted, when, limitations.
- 115.761 Official list of candidates, how included, filing fee — name removed, how — ballot form, content.
- 347.740 Additional fee — expiration date.
- 351.127 Additional fee — expiration date.
- 355.023 Additional fee — expiration date.
- 356.233 Additional fee — expiration date.
- 359.653 Additional fee — expiration date.
- 400.9-528 Additional fee — expiration date.
- 417.018 Additional fee — expiration date.
- B Emergency clause.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 36.155, 105.485, 115.277, 115.283, 115.285, 115.291, 115.357, 115.621, 115.642, 115.652, 115.761, 347.740, 351.127, 355.023, 356.233, 359.653, 400.9-528, and 417.018, RSMo, are repealed and nineteen new sections enacted in lieu thereof, to be known as sections 36.155, 105.485, 115.277, 115.283, 115.285, 115.291, 115.302, 115.357, 115.621, 115.642, 115.652, 115.761, 347.740, 351.127, 355.023, 356.233, 359.653, 400.9-528, and 417.018, to read as follows:

36.155. POLITICAL ACTIVITIES BY STATE EMPLOYEES PERMITTED — PROHIBITED ACTIVITIES. — 1. An employee may take part in the activities of political parties and political campaigns.

2. An employee may not:

(1) Use the employee's official authority or influence for the purpose of interfering with the results of an election;

(2) Knowingly solicit, accept or receive a political contribution from any person who is a subordinate employee of the employee;

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

(3) Run for the nomination, or as a candidate for election, to a partisan political office; or

(4) Knowingly solicit or discourage the participation in any political activity of any person who has an application for any compensation, grant, contract, ruling, license, permit or certificate pending before the employing department of such employee or is the subject of, or a participant in, an ongoing audit, investigation or enforcement action being carried out by the employing department of such employee.

3. An employee retains the right to vote as the employee chooses and to express the employee's opinion on political subjects and candidates.

4. Notwithstanding the provisions of subsection 2 of this section to the contrary, any employee that is not subject to the provisions of subsection 1 of section 36.030 or section 36.031 may run for the nomination, or as a candidate for election, to a partisan political office.

105.485. FINANCIAL INTEREST STATEMENTS — FORM — CONTENTS — POLITICAL SUBDIVISIONS, COMPLIANCE — REDACTION OF CERTAIN INFORMATION, WHEN. — 1. Each financial interest statement required by sections 105.483 to 105.492 shall be on a form prescribed by the commission and shall be signed and verified by a written declaration that it is made under penalties of perjury; provided, however, the form shall not seek information which is not specifically required by sections 105.483 to 105.492.

2. Each person required to file a financial interest statement pursuant to subdivisions (1) to (12) of section 105.483 shall file the following information for himself **or herself**, his **or her** spouse and dependent children at any time during the period covered by the statement, whether singularly or collectively; provided, however, that said person, if he **or she** does not know and his **or her** spouse will not divulge any information required to be reported by this section concerning the financial interest of his **or her** spouse, shall state on his **or her** financial interest statement that he **or she** has disclosed that information known to him **or her** and that his **or her** spouse has refused or failed to provide other information upon his **or her** bona fide request, and such statement shall be deemed to satisfy the requirements of this section for such financial interest of his **or her** spouse; and provided further if the spouse of any person required to file a financial interest statement is also required by section 105.483 to file a financial interest statement, the financial interest statement filed by each need not disclose the financial interest of the other, provided that each financial interest statement shall state that the spouse of the person has filed a separate financial interest statement and the name under which the statement was filed:

(1) The name and address of each of the employers of such person from whom income of one thousand dollars or more was received during the year covered by the statement;

(2) The name and address of each sole proprietorship which he **or she** owned; the name, address and the general nature of the business conducted of each general partnership and joint venture in which he **or she** was a partner or participant; the name and address of each partner or coparticipant for each partnership or joint venture unless such names and addresses are filed by the partnership or joint venture with the secretary of state; the name, address and general nature of the business conducted of any closely held corporation or limited partnership in which the person owned ten percent or more of any class of the outstanding stock or limited partners' units; and the name of any publicly traded corporation or limited partnership which is listed on a regulated stock exchange or automated quotation system in which the person owned two percent or more of any class of outstanding stock, limited partnership units or other equity interests;

(3) The name and address of any other source not reported pursuant to subdivisions (1) and (2) and subdivisions (4) to (9) of this subsection from which such person received one thousand dollars or more of income during the year covered by the statement, including, but not limited to, any income otherwise required to be reported on any tax return such person is required by law to file; except that only the name

of any publicly traded corporation or limited partnership which is listed on a regulated stock exchange or automated quotation system need be reported pursuant to this subdivision;

(4) The location by county, the subclassification for property tax assessment purposes, the approximate size and a description of the major improvements and use for each parcel of real property in the state, other than the individual's personal residence, having a fair market value of ten thousand dollars or more in which such person held a vested interest including a leasehold for a term of ten years or longer, and, if the property was transferred during the year covered by the statement, the name and address of the persons furnishing or receiving consideration for such transfer;

(5) The name and address of each entity in which such person owned stock, bonds or other equity interest with a value in excess of ten thousand dollars; except that, if the entity is a corporation listed on a regulated stock exchange, only the name of the corporation need be listed; and provided that any member of any board or commission of the state or any political subdivision who does not receive any compensation for his **or her** services to the state or political subdivision other than reimbursement for his **or her** actual expenses or a per diem allowance as prescribed by law for each day of such service need not report interests in publicly traded corporations or limited partnerships which are listed on a regulated stock exchange or automated quotation system pursuant to this subdivision; and provided further that the provisions of this subdivision shall not require reporting of any interest in any qualified plan or annuity pursuant to the Employees' Retirement Income Security Act;

(6) The name and address of each corporation for which such person served in the capacity of a director, officer or receiver;

(7) The name and address of each not-for-profit corporation and each association, organization, or union, whether incorporated or not, except not-for-profit corporations formed to provide church services, fraternal organizations or service clubs from which the officer or employee draws no remuneration, in which such person was an officer, director, employee or trustee at any time during the year covered by the statement, and for each such organization, a general description of the nature and purpose of the organization;

(8) The name and address of each source from which such person received a gift or gifts, or honorarium or honoraria in excess of two hundred dollars in value per source during the year covered by the statement other than gifts from persons within the third degree of consanguinity or affinity of the person filing the financial interest statement. For the purposes of this section, a "gift" shall not be construed to mean political contributions otherwise required to be reported by law or hospitality such as food, beverages or admissions to social, art, or sporting events or the like, or informational material. For the purposes of this section, a "gift" shall include gifts to or by creditors of the individual for the purpose of cancelling, reducing or otherwise forgiving the indebtedness of the individual to that creditor;

(9) The lodging and travel expenses provided by any third person for expenses incurred outside the state of Missouri whether by gift or in relation to the duties of office of such official, except that such statement shall not include travel or lodging expenses:

(a) Paid in the ordinary course of business for businesses described in subdivisions (1), (2), (5) and (6) of this subsection which are related to the duties of office of such official; or

(b) For which the official may be reimbursed as provided by law; or

(c) Paid by persons related by the third degree of consanguinity or affinity to the person filing the statement; or

(d) Expenses which are reported by the campaign committee or candidate committee of the person filing the statement pursuant to the provisions of chapter 130; or

(e) Paid for purely personal purposes which are not related to the person's official duties by a third person who is not a lobbyist, a lobbyist principal or member, or officer or director of a member, of any association or entity which employs a lobbyist. The statement shall include the name and address of

such person who paid the expenses, the date such expenses were incurred, the amount incurred, the location of the travel and lodging, and the nature of the services rendered or reason for the expenses;

(10) The assets in any revocable trust of which the individual is the settlor if such assets would otherwise be required to be reported under this section;

(11) The name, position and relationship of any relative within the first degree of consanguinity or affinity to any other person who:

(a) Is employed by the state of Missouri, by a political subdivision of the state or special district, as defined in section 115.013, of the state of Missouri;

(b) Is a lobbyist; or

(c) Is a fee agent of the department of revenue;

(12) The name and address of each campaign committee, political committee, candidate committee, or continuing committee for which such person or any corporation listed on such person's financial interest statement received payment; and

(13) For members of the general assembly or any statewide elected public official, their spouses, and their dependent children, whether any state tax credits were claimed on the member's, spouse's, or dependent child's most recent state income tax return.

3. For the purposes of subdivisions (1), (2) and (3) of subsection 2 of this section, an individual shall be deemed to have received a salary from his **or her** employer or income from any source at the time when he **or she** shall receive a negotiable instrument whether or not payable at a later date and at the time when under the practice of his **or her** employer or the terms of an agreement he **or she** has earned or is entitled to anything of actual value whether or not delivery of the value is deferred or right to it has vested. The term income as used in this section shall have the same meaning as provided in the Internal Revenue Code of 1986, and amendments thereto, as the same may be or becomes effective, at any time or from time to time for the taxable year, provided that income shall not be considered received or earned for purposes of this section from a partnership or sole proprietorship until such income is converted from business to personal use.

4. Each official, officer or employee or candidate of any political subdivision described in subdivision (11) of section 105.483 shall be required to file a financial interest statement as required by subsection 2 of this section, unless the political subdivision biennially adopts an ordinance, order or resolution at an open meeting by September fifteenth of the preceding year, which establishes and makes public its own method of disclosing potential conflicts of interest and substantial interests and therefore excludes the political subdivision or district and its officers and employees from the requirements of subsection 2 of this section. A certified copy of the ordinance, order or resolution shall be sent to the commission within ten days of its adoption. The commission shall assist any political subdivision in developing forms to complete the requirements of this subsection. The ordinance, order or resolution shall contain, at a minimum, the following requirements with respect to disclosure of substantial interests:

(1) Disclosure in writing of the following described transactions, if any such transactions were engaged in during the calendar year:

(a) For such person, and all persons within the first degree of consanguinity or affinity of such person, the date and the identities of the parties to each transaction with a total value in excess of five hundred dollars, if any, that such person had with the political subdivision, other than compensation received as an employee or payment of any tax, fee or penalty due to the political subdivision, and other than transfers for no consideration to the political subdivision;

(b) The date and the identities of the parties to each transaction known to the person with a total value in excess of five hundred dollars, if any, that any business entity in which such person had a substantial interest, had with the political subdivision, other than payment of any tax, fee or penalty due

to the political subdivision or transactions involving payment for providing utility service to the political subdivision, and other than transfers for no consideration to the political subdivision;

(2) The chief administrative officer and chief purchasing officer of such political subdivision shall disclose in writing the information described in subdivisions (1), (2) and (6) of subsection 2 of this section;

(3) Disclosure of such other financial interests applicable to officials, officers and employees of the political subdivision, as may be required by the ordinance or resolution;

(4) Duplicate disclosure reports made pursuant to this subsection shall be filed with the commission and the governing body of the political subdivision. The clerk of such governing body shall maintain such disclosure reports available for public inspection and copying during normal business hours.

5. The name and employer of dependent children under twenty-one years of age of each person required to file a financial interest form under this section shall be redacted and not made publicly available, upon the written request of such person to the commission.

6. Nothing in subsection 5 of this section shall be construed to abate the responsibility of reporting the names and employers of dependent children of each person required to file a financial interest form.

115.277. PERSONS ELIGIBLE TO VOTE ABSENTEE — AT-RISK CATEGORY DEFINED. — 1. Except as provided in subsections 2, 3, 4, and 5 of this section, any registered voter of this state may vote by absentee ballot for all candidates and issues for which such voter would be eligible to vote at the polling place if such voter expects to be prevented from going to the polls to vote on election day due to:

(1) Absence on election day from the jurisdiction of the election authority in which such voter is registered to vote;

(2) Incapacity or confinement due to illness or physical disability, including a person who is primarily responsible for the physical care of a person who is incapacitated or confined due to illness or disability;

(3) Religious belief or practice;

(4) Employment as an election authority, as a member of an election authority, or by an election authority at a location other than such voter's polling place;

(5) Incarceration, provided all qualifications for voting are retained;

(6) Certified participation in the address confidentiality program established under sections 589.660 to 589.681 because of safety concerns; **or**

(7) For an election that occurs during the year 2020, the voter has contracted or is in an at-risk category for contracting or transmitting severe acute respiratory syndrome coronavirus 2. This subdivision shall expire on December 31, 2020.

2. Any covered voter[, as defined in section 115.275,] who is eligible to register and vote in this state may vote in any election for federal office, statewide office, state legislative office, or statewide ballot initiatives by submitting a federal postcard application to apply to vote by absentee ballot or by submitting a federal postcard application at the polling place even though the person is not registered. A federal postcard application submitted by a covered voter pursuant to this subsection shall also serve as a voter registration application under section 115.908 and the election authority shall, if satisfied that the applicant is entitled to register, place the voter's name on the voter registration file. Each covered voter may vote by absentee ballot or, upon submitting an affidavit that the person is qualified to vote in the election, may vote at the person's polling place.

3. Any interstate former resident[, as defined in section 115.275,] may vote by absentee ballot for presidential and vice presidential electors.

4. Any intrastate new resident[, as defined in section 115.275,] may vote by absentee ballot at the election for presidential and vice presidential electors, United States senator, representative in Congress, statewide elected officials and statewide questions, propositions and amendments from such resident's new jurisdiction of residence after registering to vote in such resident's new jurisdiction of residence.

5. Any new resident[, as defined in section 115.275,] may vote by absentee ballot for presidential and vice presidential electors after registering to vote in such resident's new jurisdiction of residence.

6. For purposes of this section, the voters who are in an at-risk category for contracting or transmitting severe acute respiratory syndrome coronavirus 2 are voters who:

- (1) Are sixty-five years of age or older;
- (2) Live in a long-term care facility licensed under chapter 198;
- (3) Have chronic lung disease or moderate to severe asthma;
- (4) Have serious heart conditions;
- (5) Are immunocompromised;
- (6) Have diabetes;
- (7) Have chronic kidney disease and are undergoing dialysis; or
- (8) Have liver disease.

115.283. STATEMENTS OF ABSENTEE VOTERS OR PERSONS PROVIDING ASSISTANCE TO ABSENTEE VOTERS — FORMS — NOTARY SEAL NOT REQUIRED, WHEN — CHARGES BY NOTARIES, LIMITATIONS. — 1. Each ballot envelope shall bear a statement on which the voter shall state the voter's name, the voter's voting address, the voter's mailing address and the voter's reason for voting an absentee ballot. If the reason for the voter voting absentee is due to the reasons established under subdivision (6) of subsection 1 of section 115.277, the voter shall state the voter's identification information provided by the address confidentiality program in lieu of the applicant's name, voting address, and mailing address. On the form, the voter shall also state under penalties of perjury that the voter is qualified to vote in the election, that the voter has not previously voted and will not vote again in the election, that the voter has personally marked the voter's ballot in secret or supervised the marking of the voter's ballot if the voter is unable to mark it, that the ballot has been placed in the ballot envelope and sealed by the voter or under the voter's supervision if the voter is unable to seal it, and that all information contained in the statement is true. In addition, any person providing assistance to the absentee voter shall include a statement on the envelope identifying the person providing assistance under penalties of perjury. Persons authorized to vote only for federal and statewide officers shall also state their former Missouri residence.

2. The statement for persons voting absentee ballots who are registered voters shall be in substantially the following form:

State of Missouri

County (City) of _____

I, _____ (print name), a registered voter of _____ County (City of St. Louis, Kansas City), declare under the penalties of perjury that I expect to be prevented from going to the polls on election day due to (check one):

- _____ absence on election day from the jurisdiction of the election authority in which I am registered;
- _____ incapacity or confinement due to illness or physical disability, including caring for a person who is incapacitated or confined due to illness or disability;
- _____ religious belief or practice;
- _____ employment as an election authority or by an election authority at a location other than my polling place;
- _____ incarceration, although I have retained all the necessary qualifications for voting;

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Matter in bold-face type is proposed language.

_____ certified participation in the address confidentiality program established under sections 589.660 to 589.681 because of safety concerns.

I hereby state under penalties of perjury that I am qualified to vote at this election; I have not voted and will not vote other than by this ballot at this election. I further state that I marked the enclosed ballot in secret or that I am blind, unable to read or write English, or physically incapable of marking the ballot, and the person of my choosing indicated below marked the ballot at my direction; all of the information on this statement is, to the best of my knowledge and belief, true.

Signature of Voter

Signed _____

Signed _____

Address of Voter

Mailing addresses
(if different)

Signature of Person

Assisting Voter

(if applicable)

Subscribed and sworn

to before me this

_____ day of _____, _____

Signature of notary or
other officer
authorized to
administer oaths

3. The statement for persons voting absentee ballots pursuant to the provisions of subsection 2, 3, 4, or 5 of section 115.277 without being registered shall be in substantially the following form:

State of Missouri

County (City) of _____

I, _____ (print name), declare under the penalties of perjury that I am a citizen of the United States and eighteen years of age or older. I am not adjudged incapacitated by any court of law, and if I have been convicted of a felony or of a misdemeanor connected with the right of suffrage, I have had the voting disabilities resulting from such conviction removed pursuant to law. I hereby state under penalties of perjury that I am qualified to vote at this election.

I am (check one):

_____ a resident of the state of Missouri and a registered voter in _____ County and moved from that county to _____ County, Missouri, after the last day to register to vote in this election.

_____ an interstate former resident of Missouri and authorized to vote for presidential and vice presidential electors.

I further state under penalties of perjury that I have not voted and will not vote other than by this ballot at this election; I marked the enclosed ballot in secret or am blind, unable to read or write English, or physically incapable of marking the ballot, and the person of my choosing indicated below marked the ballot at my direction; all of the information on this statement is, to the best of my knowledge and belief, true.

Signature of Voter

Subscribed to and
sworn before me this
_____ day of

_____, _____

Address of Voter

Signature of notary or
other officer authorized

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Matter in bold-face type is proposed language.

to administer oaths

Mailing Address (if different)

Signature of Person
Assisting Voter

Address of Last
Missouri Residence
(if applicable)

4. The statement for persons voting absentee ballots who are entitled to vote at the election pursuant to the provisions of subsection 2 of section 115.137 shall be in substantially the following form:

State of Missouri

County (City) of _____

I, _____ (print name), declare under the penalties of perjury that I expect to be prevented from going to the polls on election day due to (check one):

absence on election day from the jurisdiction of the election authority in which I am directed to vote;

incapacity or confinement due to illness or physical disability, including caring for a person who is incapacitated or confined due to illness or disability;

religious belief or practice;

employment as an election authority or by an election authority at a location other than my polling place;

incarceration, although I have retained all the necessary qualifications of voting;

certified participation in the address confidentiality program established under sections 589.660 to 589.681 because of safety concerns.

I hereby state under penalties of perjury that I own property in the _____ district and am qualified to vote at this election; I have not voted and will not vote other than by this ballot at this election. I further state that I marked the enclosed ballot in secret or that I am blind, unable to read and write English, or physically incapable of marking the ballot, and the person of my choosing indicated below marked the ballot at my direction; all of the information on this statement is, to the best of my knowledge and belief, true.

Signature of Voter

Subscribed and sworn
to before me this
_____ day of
_____, _____

Address

Signature of notary or
other officer authorized to
administer oaths

Signature of Person
Assisting Voter
(if applicable)

5. The statement for persons providing assistance to absentee voters shall be in substantially the following form:

The voter needed assistance in marking the ballot and signing above, because of blindness, other physical disability, or inability to read or to read English. I marked the ballot enclosed in this envelope at the voter's direction, when I was alone with the voter, and I had no other communication

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with the voter as to how he or she was to vote. The voter swore or affirmed the voter affidavit above and I then signed the voter's name and completed the other voter information above. Signed under the penalties of perjury.

Reason why voter needed assistance: _____

ASSISTING PERSON SIGN HERE

1. _____ (signature of assisting person)
2. _____ (assisting person's name printed)
3. _____ (assisting person's residence)
4. _____ (assisting person's home city or town).

6. **The election authority shall, for an election held during 2020, adjust the forms described in this section to account for voters voting absentee due to the reason established pursuant to subdivision (7) of subsection 1 of section 115.277.**

7. Notwithstanding any other provision of this section, any covered voter as defined in section 115.902 or persons who have declared themselves to be permanently disabled pursuant to section 115.284, otherwise entitled to vote, shall not be required to obtain a notary seal or signature on his or her absentee ballot.

[7.] 8. Notwithstanding any other provision of this section or section 115.291 to the contrary, the subscription, signature and seal of a notary or other officer authorized to administer oaths shall not be required on any ballot, ballot envelope, or statement required by this section if the reason for the voter voting absentee is due to the reasons established pursuant to subdivision (2) or (7) of subsection 1 of section 115.277.

[8.] 9. No notary shall charge or collect a fee for notarizing the signature on any absentee ballot or absentee voter registration.

[9.] 10. A notary public who charges more than the maximum fee specified or who charges or collects a fee for notarizing the signature on any absentee ballot or absentee voter registration is guilty of official misconduct.

115.285. SECRETARY OF STATE MAY PRESCRIBE REGULATIONS AS TO PRINTING ABSENTEE BALLOT AND MAILING ENVELOPES, NO COST TO VOTER. — The secretary of state may prescribe uniform regulations with respect to the printing of ballot envelopes and mailing envelopes, which shall comply with standards established by federal law or postal regulations. Mailing envelopes for use in returning ballots shall be printed with business reply permits so that any ballot returned by mail does not require postage. All fees and costs for establishing and maintaining the business reply and postage-free mail for all ballots cast shall be paid by the secretary of state through state appropriations. **Notwithstanding any provision of law to the contrary, a ballot envelope used under section 115.302 shall be the same ballot envelope used for absentee ballots, provided an option shall be listed on the envelope to clearly indicate whether the voter is casting an absentee ballot or a mail-in ballot.**

115.291. PROCEDURE FOR ABSENTEE BALLOTS — DECLARED EMERGENCIES, DELIVERY AND RETURN OF BALLOTS — ENVELOPES, REFUSAL TO ACCEPT BALLOT PROHIBITED WHEN. — 1. Upon receiving an absentee ballot by mail, the voter shall mark the ballot in secret, place the ballot in the ballot envelope, seal the envelope and fill out the statement on the ballot envelope. The affidavit of each person voting an absentee ballot shall be subscribed and sworn to before the election official receiving the ballot, a notary public or other officer authorized by law to administer oaths, unless the voter is voting absentee due to incapacity or confinement due to the provisions of section 115.284, illness or physical disability, **for an election that occurs during the year 2020, the voter has contracted or is in an at-risk category for contracting or transmitting severe acute respiratory**

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syndrome coronavirus 2, as defined in section 115.277, or the voter is a covered voter as defined in section 115.902. If the voter is blind, unable to read or write the English language, or physically incapable of voting the ballot, the voter may be assisted by a person of the voter's own choosing. Any person assisting a voter who is not entitled to such assistance, and any person who assists a voter and in any manner coerces or initiates a request or a suggestion that the voter vote for or against or refrain from voting on any question, ticket or candidate, shall be guilty of a class one election offense. If, upon counting, challenge or election contest, it is ascertained that any absentee ballot was voted with unlawful assistance, the ballot shall be rejected. **For purposes of this subsection, the voters who are in an at-risk category for contracting or transmitting severe acute respiratory syndrome coronavirus 2 are voters who:**

- (1) **Sixty-five years of age or older;**
- (2) **Live in a long-term care facility licensed under chapter 198;**
- (3) **Have chronic lung disease or moderate to severe asthma;**
- (4) **Have serious heart conditions;**
- (5) **Are immunocompromised;**
- (6) **Have diabetes;**
- (7) **Have chronic kidney disease and are undergoing dialysis; or**
- (8) **Have liver disease.**

2. Except as provided in subsection 4 of this section, each absentee ballot that is not cast by the voter in person in the office of the election authority shall be returned to the election authority in the ballot envelope and shall only be returned by the voter in person, or in person by a relative of the voter who is within the second degree of consanguinity or affinity, by mail or registered carrier or by a team of deputy election authorities; except that covered voters, when sent from a location determined by the secretary of state to be inaccessible on election day, shall be allowed to return their absentee ballots cast by use of facsimile transmission or under a program approved by the Department of Defense for electronic transmission of election materials.

3. In cases of an emergency declared by the President of the United States or the governor of this state where the conduct of an election may be affected, the secretary of state may provide for the delivery and return of absentee ballots by use of a facsimile transmission device or system. Any rule promulgated pursuant to this subsection shall apply to a class or classes of voters as provided for by the secretary of state.

4. No election authority shall refuse to accept and process any otherwise valid marked absentee ballot submitted in any manner by a covered voter solely on the basis of restrictions on envelope type.

115.302. MAIL-IN BALLOTS — APPLICATION — DEADLINE, STORAGE OF BALLOTS — BALLOT ENVELOPE REQUIREMENTS — STATEMENT FORM — DELIVERY OF BALLOTS — PROCEDURES FOR VOTING, RETURN OF BALLOT, DEATH OF VOTER, AND PROCESSING OF BALLOTS — TERMINATION DATE. — 1. Any registered voter of this state may cast a mail-in ballot as provided in this section. Nothing in this section shall prevent a voter from casting an absentee ballot, provided such person has not cast a ballot pursuant to this section. Application for a mail-in-ballot may be made by the applicant in person, or by United States mail, or on behalf of the applicant by his or her guardian or relative within the second degree of consanguinity or affinity.

2. Each application for a mail-in-ballot shall be made to the election authority of the jurisdiction in which the person is registered. Each application shall be in writing and shall state the applicant's name, address at which he or she is registered, the address to which the ballot is to be mailed.

3. All applications for mail-in-ballots received prior to the sixth Tuesday before an election shall be stored at the office of the election authority until such time as the applications are processed under section 115.281. No application for a mail-in-ballot received in the office of the election authority after 5:00 p.m. on the second Wednesday immediately prior to the election shall be accepted by any election authority.

4. Each application for a mail-in-ballot shall be signed by the applicant or, if the application is made by a guardian or relative under this section, the application shall be signed by the guardian or relative, who shall note on the application his or her relationship to the applicant. If an applicant, guardian, or relative is blind, unable to read or write the English language, or physically incapable of signing the application, he or she shall sign by mark that is witnessed by the signature of an election official or person of his or her choice. Knowingly making, delivering, or mailing a fraudulent mail-in-ballot application is a class one election offense.

5. Not later than the sixth Tuesday prior to each election, or within fourteen days after candidate names or questions are certified under section 115.125, the election authority shall cause to have printed and made available a sufficient quantity of ballots, ballot envelopes, and mailing envelopes. As soon as possible after a proper official calls a special state or county election, the election authority shall cause to have printed and made available a sufficient quantity of mail-in ballots, ballot envelopes, and mailing envelopes.

6. Each ballot envelope shall bear a statement in substantially the same form described in subsection 9 of this section. In addition, any person providing assistance to the mail-in voter shall include a signature on the envelope identifying the person providing such assistance under penalties of perjury. Persons authorized to vote only for federal and statewide offices shall also state their former Missouri residence.

7. The statement for persons voting mail-in ballots who are registered voters shall be in substantially the following form:

State of Missouri

County (City) of _____

I, _____ (print name), a registered voter of _____ County (City of St. Louis, Kansas City), declare under the penalties of perjury that: I am qualified to vote at this election; I have not voted and will not vote other than by this ballot at this election. I further state that I marked the enclosed ballot in secret or that I am blind, unable to read or write English, or physically incapable of marking the ballot, and the person of my choosing indicated below marked the ballot at my direction; all of the information on this statement is, to the best of my knowledge and belief, true.

Signature of Voter

Signature of Person
Assisting Voter
(If applicable)

Subscribed and sworn to before me this _____
day of _____, _____.

Signature of notary or other officer authorized to administer oaths.

Mailing Addresses
(If different)

8. Upon receipt of a signed application for a mail-in ballot and if satisfied that the applicant is entitled to vote by mail-in ballot, the election authority shall, within three working days after

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receiving the application, or, if mail-in ballots are not available at the time the application is received, within five working days after such ballots become available, deliver to the voter a mail-in ballot, ballot envelope and such instructions as are necessary for the applicant to vote. If the election authority is not satisfied that any applicant is entitled to vote by mail-in ballot, the authority shall not deliver a mail-in ballot to the applicant. Within three working days of receiving such an application, the election authority shall notify the applicant and state the reason he or she is not entitled to vote by mail-in ballot. The applicant may file a complaint with the elections division of the secretary of state's office under section 115.219.

9. On the mailing and ballot envelopes for each covered voter, the election authority shall stamp the words "ELECTION BALLOT, STATE OF MISSOURI" and "U.S. Postage Paid, 39 U.S.C. Section 3406".

10. No information which encourages a vote for or against a candidate or issue shall be provided to any voter with a mail-in ballot.

11. Upon receiving a mail-in ballot by mail, the voter shall mark the ballot in secret, place the ballot in the ballot envelope, seal the envelope and fill out the statement on the ballot envelope. The statement required under subsection 7 of this section shall be subscribed and sworn to before a notary public or other officer authorized by law to administer oaths. If the voter is blind, unable to read or write the English language, or physically incapable of voting the ballot, the voter may be assisted by a person of the voter's own choosing. Any person who assists a voter and in any manner coerces or initiates a request or suggestion that the voter vote for or against, or refrain from voting on, any question or candidate, shall be guilty of a class one election offense. If, upon counting, challenge, or election contest, it is ascertained that any mail-in ballot was voted with unlawful assistance, the ballot shall be rejected.

12. Each mail-in ballot shall be returned to the election authority in the ballot envelope and shall only be returned by the voter by United States mail.

13. The secretary of state may prescribe uniform regulations with respect to the printing of ballot envelopes and mailing envelopes, which shall comply with standards established by federal law or postal regulations. Mailing envelopes for use in returning ballots shall be printed with business reply permits so that any ballot returned by mail does not require postage. All fees and costs for establishing and maintaining the business reply and postage-free mail for all ballots cast shall be paid by the secretary of state through state appropriations.

14. All votes on each mail-in ballot received by an election authority at or before the time fixed by law for the closing of the polls on election day shall be counted. No votes on any mail-in ballot received by an election authority after the time fixed by law for the closing of the polls on election day shall be counted.

15. If sufficient evidence is shown to an election authority that any mail-in voter has died prior to the opening of the polls on election day, the ballot of the deceased voter shall be rejected if it is still sealed in the ballot envelope. Any such rejected ballot, still sealed in its ballot envelope, shall be sealed with the application and any other papers connected therewith in an envelope marked "Rejected ballot of _____, a mail-in voter of _____ voting district". The reason for rejection shall be noted on the envelope, which shall be kept by the election authority with the other ballots from the election until the ballots are destroyed according to law.

16. As each mail-in ballot is received by the election authority, the election authority shall indicate its receipt on the list.

17. All mail-in ballot envelopes received by the election authority shall be kept together in a safe place and shall not be opened except as provided under this chapter.

18. Mail-in ballots shall be counted using the procedures set out in sections 115.297, 115.299, 115.300, and 115.303.

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19. The false execution of a mail-in ballot is a class one election offense. The attorney general or any prosecuting or circuit attorney shall have the authority to prosecute such offense either in the county of residence of the person or in the circuit court of Cole County.

20. The provisions of this section shall apply only to an election that occurs during the year 2020, to avoid the risk of contracting or transmitting severe acute respiratory syndrome coronavirus 2.

21. The provisions of this section terminate and shall be repealed on December 31, 2020, and shall not apply to any election conducted after that date.

115.357. FILING FEES — DECLARATION OF INABILITY TO PAY, FORM OF. — 1. Except as provided in subsections 3 and 4 of this section, each candidate for federal, state or county office shall, before filing his **or her** declaration of candidacy, pay to the treasurer of the state or county committee of the political party upon whose ticket he **or she** seeks nomination a certain sum of money as follows:

(1) To the treasurer of the state central committee, [two] **five** hundred dollars if he or she is a candidate for statewide office or for United States senator, [one] **three** hundred dollars if he or she is a candidate for representative in Congress, circuit judge or state senator, and **one hundred** fifty dollars if he or she is a candidate for state representative;

(2) To the treasurer of the county central committee, [fifty] **one hundred** dollars if he or she is a candidate for county office.

2. The required sum may be submitted by the candidate to the official accepting his **or her** declaration of candidacy, **except that a candidate required to file his or her declaration of candidacy with the secretary of state shall pay the required sum directly to the treasurer of the appropriate party committee.** All sums [so] submitted **to the official accepting the candidate's declaration of candidacy** shall be forwarded promptly by the official to the treasurer of the appropriate party committee.

3. Any person who cannot pay the fee required to file as a candidate may have the fee waived by filing a declaration of inability to pay and a petition with his declaration of candidacy. Each such declaration shall be in substantially the following form:

DECLARATION OF INABILITY TO PAY FILING FEE

I, _____, do hereby swear that I am financially unable to pay the fee of _____ (amount of fee) to file as a candidate for nomination to the office of _____ at the primary election to be held on the _____ day of _____, 20____.

Signature of candidate

Subscribed and sworn to before
me this _____ day of _____,
20____.

Residence address

Signature of election official
or officer authorized to
administer oaths

If the candidate's declaration of candidacy is to be filed in person, the declaration of inability to pay shall be subscribed and sworn to by the candidate before the election official who witnesses the candidate's declaration of candidacy. If his declaration of candidacy is to be filed by certified mail pursuant to subsection 2 of section 115.355, the declaration of inability to pay shall be subscribed and sworn to by the candidate before the notary or other officer who witnesses the candidate's declaration of candidacy. With his declaration of inability to pay, the candidate shall submit a petition endorsing his candidacy. Except for the number of signatures required, each such petition shall, insofar as practicable, be in the

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form provided in sections 115.321 and 115.325. If the person filing declaration of indigence is to be a candidate for statewide office, his petition shall be signed by the number of registered voters in the state equal to at least one-half of one percent of the total number of votes cast in the state for the office at the last election in which a candidate ran for the office. If the person filing a declaration of indigence is to be a candidate for any other office, the petition shall be signed by the number of registered voters in the district or political subdivision which is equal to at least one percent of the total number of votes cast for the office at the last election in which a candidate ran for the office. The candidate's declaration of inability to pay and the petition shall be filed at the same time and in the same manner as his declaration of candidacy is filed. The petition shall be checked and its sufficiency determined in the same manner as new party and independent candidate petitions.

4. No filing fee shall be required of any person who proposes to be an independent candidate, the candidate of a new party or a candidate for presidential elector.

5. Except as provided in subsections 3 and 4 of this section, no candidate's name shall be printed on any official ballot until the required fee has been paid.

115.621. CONGRESSIONAL, LEGISLATIVE, SENATORIAL AND JUDICIAL DISTRICT COMMITTEES TO MEET AND ORGANIZE, WHEN. — 1. Notwithstanding any other provision of this section to the contrary, any legislative, senatorial, or judicial district committee that is wholly contained within a county or a city not within a county may choose to meet on the same day as the respective county or city committee. All other committees shall meet as otherwise prescribed in this section.

2. The members of each county committee shall meet at the county seat not earlier than two weeks after each primary election but in no event later than the third Saturday after each primary election, at the discretion of the chairman at the committee. In each city not within a county, the city committee shall meet on the same day at the city hall. In all counties of the first, second, and third classification, the county courthouse shall be made available for such meetings and any other county political party meeting at no charge to the party committees. In all cities not within a county, the city hall shall be made available for such meetings and any other city political party meeting at no charge to the party committees. At the meeting, each committee shall organize by electing two of its members, a man and a woman, as chair and vice chair, and a man and a woman who may or may not be members of the committee as secretary and treasurer.

3. The members of each congressional district committee shall meet at some place and time within the district, to be designated by the current chair of the committee, not earlier than five weeks after each primary election but in no event later than the sixth Saturday after each primary election. The county courthouse in counties of the first, second and third classification in which the meeting is to take place, as designated by the chair, shall be made available for such meeting and any other congressional district political party committee meeting at no charge to the committee. At the meeting, the committee shall organize by electing one of its members as chair and one of its members as vice chair, one of whom shall be a woman and one of whom shall be a man, and a secretary and a treasurer, one of whom shall be a woman and one of whom shall be a man, who may or may not be members of the committee.

4. The members of each legislative district committee shall meet at some place and date within the legislative district or within one of the counties in which the legislative district exists, to be designated by the current chair of the committee, not earlier than three weeks after each primary election but in no event later than the fourth Saturday after each primary election. The county courthouse in counties of the first, second and third classification in which the meeting is to take place, as designated by the chair, shall be made available for such meeting and any other legislative district political party committee meeting at no charge to the committee. At the meeting, the committee shall organize by electing two of its members, a man and a woman, as chair and vice chair, and a man and a woman who may or may not be members of the committee as secretary and treasurer.

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5. The members of each senatorial district committee shall meet at some place and date within the district, to be designated by the current chair of the committee, if there is one, and if not, by the chair of the congressional district in which the senatorial district is principally located, not earlier than four weeks after each primary election but in no event later than the fifth Saturday after each primary election. The county courthouse in counties of the first, second and third classification in which the meeting is to take place, as so designated pursuant to this subsection, shall be made available for such meeting and any other senatorial district political party committee meeting at no charge to the committee. At the meeting, the committee shall organize by electing one of its members as chair and one of its members as vice chair, one of whom shall be a woman and one of whom shall be a man, and a secretary and a treasurer, one of whom shall be a woman and one of whom shall be a man, who may or may not be members of the committee.

6. The members of each senatorial district shall also meet at some place within the district, to be designated by the current chair of the committee, if there is one, and if not, by the chair of the congressional district in which the senatorial district is principally located, on the Saturday after each general election **or concurrently with the election of senatorial officers, if designated or not objected to by the chair of the congressional district where the senatorial district is principally located.** At the meeting, the committee shall proceed to elect two registered voters of the district, one man and one woman, as members of the party's state committee.

7. The members of each judicial district may meet at some place and date within the judicial district or within one of the counties in which the judicial district exists, to be designated by the current chair of the committee or the chair of the congressional district committee, not earlier than six weeks after each primary election but in no event later than the seventh Saturday after each primary election. The county courthouse in counties of the first, second and third classification in which the meeting is to take place, as so designated pursuant to this subsection, shall be made available for such meeting and any other judicial district political party committee meeting at no charge to the committee. At the meeting, the committee shall organize by electing two of its members, a man and a woman, as chair and vice chair, and a man and a woman who may or may not be members of the committee as secretary and treasurer.

115.642. COMPLAINT PROCEDURES — INVESTIGATIONS, POWERS AND DUTIES. — 1. Any person may file a complaint with the secretary of state stating the name of any person who has violated any of the provisions of sections 115.629 to 115.646 and stating the facts of the alleged offense, sworn to, under penalty of perjury.

2. Within thirty days of receiving a complaint, the secretary of state shall notify the person filing the complaint whether or not the secretary has dismissed the complaint or will commence an investigation. The secretary of state shall dismiss frivolous complaints. For purposes of this subsection, "frivolous complaint" shall mean an allegation clearly lacking any basis in fact or law. Any person who makes a frivolous complaint pursuant to this section shall be liable for actual and compensatory damages to the alleged violator for holding the alleged violator before the public in a false light. If reasonable grounds appear that the alleged offense was committed, the secretary of state may issue a probable cause statement. If the secretary of state issues a probable cause statement, he or she may refer the offense to the appropriate prosecuting attorney.

3. Notwithstanding the provisions of section 27.060, 56.060, or 56.430 to the contrary, when requested by the prosecuting attorney or circuit attorney, the secretary of state or his or her authorized representatives may aid any prosecuting attorney or circuit attorney in the commencement and prosecution of election offenses as provided in sections 115.629 to 115.646.

4. **(1)** The secretary of state may investigate any suspected violation of any of the provisions of sections 115.629 to 115.646.

(2) (a) The secretary of state or an authorized representative of the secretary of state shall have the power to require the production of books, papers, correspondence, memoranda, contracts, agreements, and other records by subpoena or otherwise when necessary to conduct an investigation under this section. Such powers shall be exercised only at the specific written direction of the secretary of state or his or her chief deputy.

(b) If any person refuses to comply with a subpoena issued under this subsection, the secretary of state may seek to enforce the subpoena before a court of competent jurisdiction to require the production of books, papers, correspondence, memoranda, contracts, agreements, and other records. The court may issue an order requiring the person to produce records relating to the matter under investigation or in question. Any person who fails to comply with the order may be held in contempt of court.

(c) The provisions of this subdivision shall expire on August 28, 2025.

115.652. MAIL-IN VOTING MAY BE CONDUCTED, WHEN, LIMITATIONS. — 1. An election shall not be conducted under sections 115.650 to 115.660 unless:

(1) The officer or agency calling the election submits a written request that the election be conducted by mail. Such request shall be submitted not later than the date specified in section 115.125 for submission of the notice of election and sample ballot;

(2) The election authority responsible for conducting the election authorizes the use of mailed ballots for the election;

(3) The election is nonpartisan;

(4) The election is not one at which any candidate is elected, retained or recalled; and

(5) The election is an issue election at which all of the qualified voters of any one political subdivision are the only voters eligible to vote.

2. Notwithstanding the provisions of subsection 1 of this section or any other provision of law to the contrary, an election may be conducted by mail as authorized under section 115.302, during the year 2020, to avoid the risk of contracting or transmitting severe acute respiratory syndrome coronavirus 2. This subsection shall expire December 31, 2020.

115.761. OFFICIAL LIST OF CANDIDATES, HOW INCLUDED, FILING FEE — NAME REMOVED, HOW — BALLOT FORM, CONTENT. — 1. The official list of presidential candidates for each established political party shall include the names of all constitutionally qualified candidates for whom, on or after 8:00 a.m. on the fifteenth Tuesday prior to the presidential primary, and on or before 5:00 p.m., on the eleventh Tuesday prior to the presidential primary, a written request to be included on the presidential primary ballot is filed with the secretary of state along with:

(1) Receipt of payment to the state committee of the established political party on whose ballot the candidate wishes to appear of a filing fee of [one] **five** thousand dollars; or

(2) A written statement, sworn to before an officer authorized by law to administer oaths, that the candidate is unable to pay the filing fee and does not have funds in a campaign fund or committee to pay the filing fee and a petition signed by not less than five thousand registered Missouri voters, as determined by the secretary of state, that the candidate's name be placed on the ballot of the specified established political party for the presidential preference primary. The request to be included on the presidential primary ballot shall include each signer's printed name, registered address and signature and shall be in substantially the following form:

I (We) the undersigned, do hereby request that the name of _____ be placed upon the February _____, _____, presidential primary ballot as candidate for nomination as the nominee for President of the United States on the _____ party ticket.

2. The state or national party organization of an established political party that adopts rules imposing signature requirements to be met before a candidate can be listed as an official candidate shall notify the secretary of state by October first of the year preceding the presidential primary.

3. Any candidate or such candidate's authorized representative may have such candidate's name stricken from the presidential primary ballot by filing with the secretary of state on or before 5:00 p.m. on the eleventh Tuesday prior to the presidential primary election a written statement, sworn to before an officer authorized by law to administer oaths, requesting that such candidate's name not be printed on the official primary ballot. Thereafter, the secretary of state shall not include the name of that candidate in the official list announced pursuant to section 115.758 or in the certified list of candidates transmitted pursuant to section 115.765.

4. The filing times set out in this section shall only apply to presidential preference primaries, and are in lieu of those established in section 115.349.

347.740. ADDITIONAL FEE — EXPIRATION DATE. — The secretary of state may collect an additional fee of five dollars on each and every fee required in this chapter. All fees collected as provided in this section shall be deposited in the state treasury and credited to the secretary of state's technology trust fund account. The provisions of this section shall expire on December 31, [2021] **2026**.

351.127. ADDITIONAL FEE — EXPIRATION DATE. — The secretary of state may collect an additional fee of five dollars on each and every fee required in this chapter, provided that the secretary of state may collect an additional fee of ten dollars on each corporate registration report fee filed under section 351.122. All fees collected as provided in this section shall be deposited in the state treasury and credited to the secretary of state's technology trust fund account. The provisions of this section shall expire on December 31, [2021] **2026**.

355.023. ADDITIONAL FEE — EXPIRATION DATE. — The secretary of state may collect an additional fee of five dollars on each and every fee required in this chapter. All fees collected as provided in this section shall be deposited in the state treasury and credited to the secretary of state's technology trust fund account. The provisions of this section shall expire on December 31, [2021] **2026**.

356.233. ADDITIONAL FEE — EXPIRATION DATE. — The secretary of state may collect an additional fee of five dollars on each and every fee required in this chapter. All fees collected as provided in this section shall be deposited in the state treasury and credited to the secretary of state's technology trust fund account. The provisions of this section shall expire on December 31, [2021] **2026**.

359.653. ADDITIONAL FEE — EXPIRATION DATE. — The secretary of state may collect an additional fee of five dollars on each and every fee required in this chapter. All fees collected as provided in this section shall be deposited in the state treasury and credited to the secretary of state's technology trust fund account. The provisions of this section shall expire on December 31, [2021] **2026**.

400.9-528. ADDITIONAL FEE — EXPIRATION DATE. — The secretary of state may collect an additional fee of five dollars on each and every fee paid to the secretary of state as required in chapter 400.9. All fees collected as provided in this section shall be deposited in the state treasury and credited to the secretary of state's technology trust fund account. The provisions of this section shall expire on December 31, [2021] **2026**.

417.018. ADDITIONAL FEE — EXPIRATION DATE. — The secretary of state may collect an additional fee of five dollars on each and every fee required in this chapter. All fees collected as

provided in this section shall be deposited in the state treasury and credited to the secretary of state's technology trust fund account. The provisions of this section shall expire on December 31, [2021] **2026**.

SECTION B. EMERGENCY CLAUSE. — Because immediate action is necessary to ensure citizens can safely exercise the right to vote in the 2020 election, the enactment of section 115.302 and the repeal and reenactment of sections 115.277, 115.283, 115.285, 115.291, and 115.652 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 115.302 and the repeal and reenactment of sections 115.277, 115.283, 115.285, 115.291, and 115.652 of this act shall be in full force and effect upon its passage and approval.

Approved June 4, 2020

SS SB 644

Enacts provisions relating to service animals.

AN ACT to repeal sections 209.150, 209.200, and 209.204, RSMo, and to enact in lieu thereof three new sections relating to service animals, with penalty provisions.

SECTION

A Enacting clause.

209.150 Rights of persons with disabilities — service dogs, no extra charge for — liability for actual damages.

209.200 Definitions.

209.204 Impersonating a person with a disability for the purpose of receiving certain accommodations, penalty, civil liability — misrepresentation of dog as service dog, penalty, civil liability — misrepresentation of animal as assistance animal, penalty, civil liability — placard, brochure.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 209.150, 209.200, and 209.204, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 209.150, 209.200, and 209.204, to read as follows:

209.150. RIGHTS OF PERSONS WITH DISABILITIES — SERVICE DOGS, NO EXTRA CHARGE FOR — LIABILITY FOR ACTUAL DAMAGES. — 1. Every person with a [visual, aural, or other] disability, [including diabetes,] as defined in section 213.010, shall have the same rights afforded to a person with no such disability to the full and free use of the streets, highways, sidewalks, walkways, public buildings, public facilities, and other public places.

2. Every person with a [visual, aural, or other] disability, [including diabetes,] as defined in section 213.010, is entitled to full and equal accommodations, advantages, facilities, and privileges of all common carriers, airplanes, motor vehicles, railroad trains, motor buses, taxis, streetcars, boats or any other public conveyances or modes of transportation, hotels, lodging places, places of public accommodation, amusement or resort, and other places to which the general public is invited, subject only to the conditions and limitations established by law and applicable alike to all persons.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

3. Every person with a [visual, aural, or other] disability, [including diabetes,] as defined in section 213.010, shall have the right to be accompanied by a [guide dog, hearing dog, or] service dog **or dogs, as defined in section 209.200**, which is especially trained for the purpose, in any of the places listed in subsection 2 of this section without being required to pay an extra charge for the [guide dog, hearing dog, or] service dog **or dogs, as defined in section 209.200**; provided that such person shall be liable for any damage done to the premises or facilities by such dog.

4. As used in sections 209.150 to 209.190, the term "service dog" [means any dog specifically trained to assist a person with a physical or mental disability by performing necessary tasks or doing work which the person cannot perform. Such tasks shall include, but not be limited to, pulling a wheelchair, retrieving items, carrying supplies, and search and rescue of an individual with a disability] **shall have the same definition as in section 209.200.**

209.200. DEFINITIONS. — As used in sections [209.200] **209.150** to 209.204, not to exceed the provisions of the Americans With Disabilities Act, the following terms shall mean:

- (1) "Disability", as defined in section 213.010 including diabetes;
- (2) "Service dog", a dog that is being or has been [specially] **individually** trained to do work or perform tasks [which] **for the benefit [a particular person] of an individual** with a disability, **including a physical, sensory, psychiatric, intellectual, or other mental disability**. Service dog includes but is not limited to:
 - (a) "Guide dog", a dog that is being or has been specially trained to assist a particular blind or visually impaired person;
 - (b) "Hearing dog", a dog that is being or has been specially trained to assist a particular deaf or hearing-impaired person;
 - (c) "Medical alert or [respond] **response** dog", a dog that is being or has been trained to alert a person with a disability that a particular medical event is about to occur or to respond to a medical event that has occurred;
 - (d) **"Mental health service dog" or "psychiatric service dog", a dog individually trained for its owner who is diagnosed with a psychiatric disability, medical condition, or developmental disability recognized in the most recently published Diagnostic and Statistical Manual of Mental Disorders (DSM) to perform tasks that mitigate or assist with difficulties directly related to the owner's psychiatric disability, medical condition, or developmental disability;**
 - (e) "Mobility dog", a dog that is being or has been specially trained to assist a person with a disability caused by physical impairments;
 - [(e)] **(f) "Professional therapy dog", a dog which is selected, trained, and tested to provide specific physical therapeutic functions, under the direction and control of a qualified handler who works with the dog as a team as a part of the handler's occupation or profession. Such dogs, with their handlers, perform such functions in institutional settings, community-based group settings, or when providing services to specific persons who have disabilities. Professional therapy dogs do not include dogs, certified or not, which are used by volunteers in visitation therapy;**
 - [(f)] **(g) "Search and rescue dog", a dog that is being or has been trained to search for or prevent a person with a mental disability, including but not limited to verbal and nonverbal autism, from becoming lost;**
 - (3) "Service dog team", a team consisting of a trained service dog, a disabled person or child, and a person who is an adult and who has been trained to handle the service dog.

209.204. IMPERSONATING A PERSON WITH A DISABILITY FOR THE PURPOSE OF RECEIVING CERTAIN ACCOMMODATIONS, PENALTY, CIVIL LIABILITY — MISREPRESENTATION OF DOG AS SERVICE DOG, PENALTY, CIVIL LIABILITY — MISREPRESENTATION OF ANIMAL AS

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

ASSISTANCE ANIMAL, PENALTY, CIVIL LIABILITY — PLACARD, BROCHURE. — 1. Any person who knowingly impersonates a person with a disability for the purpose of receiving the accommodations regarding service dogs under the Americans with Disabilities Act, 42 U.S.C. Section 12101, et seq., is guilty of a class C misdemeanor and shall also be civilly liable for the amount of any actual damages resulting from such impersonation. Any second or subsequent violation of this section is a class B misdemeanor. For purposes of this section, "impersonates a person with a disability" means a representation by word or action as a person with a disability [or a representation of a dog by word or action as a service dog].

2. No person shall knowingly misrepresent a dog as a service dog for the purpose of receiving the accommodations regarding service dogs under the Americans with Disabilities Act, 42 U.S.C. Section 12101, et seq. For purposes of this section, "misrepresent a dog as a service dog" means a representation by word or action that a dog has been trained as a service dog as defined in section 209.200. Misrepresentation of a service dog includes, but is not limited to:

- (1) Knowingly creating documents that falsely represent that a dog is a service dog;
- (2) Knowingly providing to another person documents falsely stating that a dog is a service dog;
- (3) Knowingly fitting a dog, if the dog is not a service dog, with a harness, collar, vest, or sign of the type commonly used by a person with a disability to indicate a dog is a service dog; or
- (4) Knowingly representing that a dog is a service dog if the dog has not completed training to perform disability-related tasks or do disability-related work for a person with a disability.

A person who violates this subsection is guilty of a class C misdemeanor and shall also be civilly liable for any actual damages resulting from such misrepresentation. Any second or subsequent violation of this subsection is a class B misdemeanor.

3. No person shall knowingly misrepresent any animal as an assistance animal for the purpose of receiving the accommodations regarding assistance animals under the Fair Housing Act, 42 U.S.C. Section 3601, et seq., or the Rehabilitation Act, 29 U.S.C. Section 701, et seq. For the purposes of this section an "assistance animal" is an animal that works, provides assistance, or performs tasks, or is being trained to work, provide assistance, or perform tasks, for the benefit of a person with a disability, or that provides emotional support that alleviates one or more identified effects of a person's disability. While dogs are the most common type of assistance animal, other animals may also be assistance animals. Misrepresentation of an assistance animal shall include, but shall not limited to:

- (1) Knowingly creating documents that falsely represent that an animal is an assistance animal;
- (2) Knowingly providing to another person documents falsely stating that an animal is an assistance animal;
- (3) Knowingly fitting an animal, if the animal is not an assistance animal, with a harness, collar, vest, or sign of the type commonly used by a person with a disability to indicate an animal is an assistance animal; or
- (4) Knowingly and intentionally misrepresenting a material fact to a health care provider for the purpose of obtaining documentation from the health care provider necessary to designate an animal as an assistance animal. All documentation for an assistance animal must be from a qualified professional as permitted under the Fair Housing Act, 42 U.S.C. Section 3601, et seq., or the Rehabilitation Act, 29 U.S.C. Section 701, et seq.

A person who violates this subsection is guilty of a class C misdemeanor and shall also be civilly liable for any actual damages resulting from such misrepresentation. Any second or subsequent violation of this subsection is a class B misdemeanor.

4. The governor's council on disability shall prepare and make available online a placard suitable for posting in a front window or door, stating that service dogs are welcome and that misrepresentation of a service dog is a violation of Missouri law, and a brochure detailing permissible questions, as allowed by the Americans with Disabilities Act, a business owner may ask in order to determine whether a dog is a service dog and guidelines defining unacceptable behavior.

5. The governor's council on disability shall prepare and make available online a brochure for landlords and tenants regarding laws relating to service dogs, assistance animals, and housing under federal and Missouri law.

Approved July 14, 2020

CCS HCS SCS SB 653

Enacts provisions relating to the protection of children.

AN ACT to repeal sections 210.112, 210.145, 210.566, and 211.171, RSMo, and to enact in lieu thereof eight new sections relating to the protection of children.

SECTION

- A Enacting clause.
- 210.112 Policy of state, system principles — evaluation tool — response and evaluation team, duties — children's services providers and agencies, contracting with, requirements, payments — rulemaking authority.
- 210.116 Sharing of information with child welfare agencies and law enforcement, when.
- 210.123 Temporary alternative placement agreements — definitions — purpose — requirements — rulemaking authority.
- 210.145 Telephone hotline for reports on child abuse — division duties, protocols, law enforcement contacted immediately, investigation conducted, when, exception — chief investigator named — family support team meetings, who may attend — reporter's right to receive information — admissibility of reports in custody cases.
- 210.566 Foster parents' bill of rights.
- 210.652 Electronic exchanging of data and documents.
- 211.135 Appearance of child in court, when.
- 211.171 Hearing procedure — notification of current foster parents, preadoptive parents and relatives, when — public may be excluded, when — victim impact statement permitted, when.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 210.112, 210.145, 210.566, and 211.171, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as sections 210.112, 210.116, 210.123, 210.145, 210.566, 210.652, 211.135, and 211.171, to read as follows:

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

210.112. POLICY OF STATE, SYSTEM PRINCIPLES — EVALUATION TOOL — RESPONSE AND EVALUATION TEAM, DUTIES — CHILDREN'S SERVICES PROVIDERS AND AGENCIES, CONTRACTING WITH, REQUIREMENTS, PAYMENTS — RULEMAKING AUTHORITY. — 1. It is the policy of this state and its agencies to implement a foster care and child protection and welfare system focused on providing the highest quality of services and outcomes for children and their families. The department of social services shall implement such system subject to the following principles:

- (1) The safety and welfare of children is paramount;
- (2) **All** providers of direct services to children and their families will be evaluated in a uniform, **transparent, objective**, and consistent basis **based on an evaluation tool established in this section**;
- (3) Services to children and their families shall be provided in a timely manner to maximize the opportunity for successful outcomes, **and such services shall be tracked and routinely evaluated through a quality assurance program**; [and]
- (4) Any provider of direct services to children and families shall have the appropriate and relevant training, education, and expertise to provide the highest quality of services possible which shall be consistent with [the] federal **and state** standards[, but not less than the standards and policies used by the children's division as of January 1, 2004];
- (5) **Resources and efforts shall be committed to pursue the best possible opportunity for a successful outcome for each child. Successful outcomes may include preparing youth for a productive and successful life as an adult outside the foster care system, such as independent living. For those providers that work with children requiring intensive twenty-four-hour treatment services, successful outcomes shall be based on the least restrictive alternative possible based on the child's needs as well as the quality of care received; and**
- (6) **All service providers shall prioritize methods of reducing or eliminating a child's need for residential treatment through community-based services and supports.**

2. (1) **In conjunction with the response and evaluation team established under this section, as well as other individuals the division deems appropriate, the division shall establish an evaluation tool that complies with state and federal guidelines.**

(2) **The evaluation tool shall include metrics supporting best practices for case management and service provision including, but not limited to, the frequency of face-to-face visits with the child.**

(3) **There shall be a mechanism whereby providers may propose different evaluation metrics on a case-by-case basis if such case may have circumstances far beyond those that would be expected. Such cases shall be evaluated by the response and evaluation team under this section.**

(4) **Data regarding all evaluation metrics shall be collected by the division on a monthly basis, and the division shall issue a quarterly report regarding the evaluation data for each provider, both public and private, by county. The response and evaluation team shall determine how to aggregate cases for the division and large contractors so that performance and outcomes may be compared effectively while also protecting confidentiality. Such reports shall be made public and shall include information by county.**

(5) **The standards and metrics developed through this evaluation tool shall be used to evaluate competitive bids for future contracts established under this section.**

3. **The division shall create a response and evaluation team. Membership of the team shall be composed of five staff members from the division with experience in foster care appointed by the director of the division; five representatives, one from each contract region for foster care case management contracts under this section, who shall be annually rotated among contractors in each region, which shall appoint the agency; two experts working in either research or higher education on issues relating to child welfare and foster care appointed by the director of the**

division and who shall be actively working for either an academic institution or policy foundation; one juvenile officer or a Missouri juvenile justice director to be appointed by the Missouri juvenile justice association; and one juvenile or family court judge appointed by the supreme court. The division shall provide the necessary staffing for the team's operations. All members shall be appointed, and the team shall meet for the first time before January 1, 2021. The team shall:

(1) Review the evaluation tool and metrics set forth in this section on a semiannual basis to determine any adjustments needed or issues that could affect the quality of such tools and approve or deny on a case-by-case basis:

(a) Cases that a provider feels are anomalous and should not be part of developing the case management tool under this section;

(b) Alternative evaluation metrics recommended by providers based on the best interests of the child under this section; or

(c) Review and recommend any structure for incentives or other reimbursement strategies under this section;

(2) Develop and execute periodic provider evaluations of cases managed by the division and children service providers contracted with the state to provide foster care case management services, in the field under the evaluation tool created under this section to ensure basic requirements of the program are met, which shall include, but are not limited to, random file review to ensure documentation shows required visits and case management plan notes; and

(3) Develop a system for reviewing and working with providers identified under this subsection or providers who request such assistance from the division, who show signs of performance weakness to ensure technical assistance and other services are offered to assist the providers in achieving successful outcomes for their cases.

4. [On or before July 1, 2005, and subject to appropriations,] The children's division and any other state agency deemed necessary by the division shall, in consultation with [the community and] **service providers [of services] and other relevant parties**, enter into and implement contracts with qualified children's services providers and agencies to provide a comprehensive and deliberate system of service delivery for children and their families. Contracts shall be awarded through a competitive process and provided by [children's services providers and agencies currently contracting with the state to provide such services and by] **qualified** public and private not-for-profit or limited liability corporations owned exclusively by not-for-profit corporations children's services providers and agencies which have:

(1) A proven record of providing child welfare services within the state of Missouri which shall be consistent with the federal standards, but not less than the standards and policies used by the children's division as of January 1, 2004; and

(2) The ability to provide a range of child welfare services[, which may include] **including, but not limited to**, case management services, family-centered services, foster and adoptive parent recruitment and retention, residential care, in-home services, foster care services, adoption services, relative care case management, planned permanent living services, and family reunification services.

No contracts **under this section** shall be issued for services related to the child abuse and neglect hotline, investigations of alleged abuse and neglect, and initial family assessments. Any contracts entered into by the division shall be in accordance with all federal laws and regulations, and shall [not result in the loss of] **seek to maximize** federal funding. [Such] Children's services providers and agencies under contract with the division shall be subject to all federal, state, and local laws and regulations relating to the provision of such services, and shall be subject to oversight and inspection by appropriate state agencies to assure compliance with standards which shall be consistent with the federal standards[, but not less than the standards and policies used by the children's division as of January 1, 2004.

3. In entering into and implementing contracts under subsection 2 of this section, the division shall consider and direct their efforts towards geographic areas of the state, including Greene County, where eligible direct children's services providers and agencies are currently available and capable of providing a broad range of services, including case management services, family-centered services, foster and adoptive parent recruitment and retention, residential care, family preservation services, foster care services, adoption services, relative care case management, other planned living arrangements, and family reunification services consistent with federal guidelines. Nothing in this subsection shall prohibit the division from contracting on an as-needed basis for any individual child welfare service listed above.

4. The contracts entered into under this section shall assure that:

(1) Child welfare services shall be delivered to a child and the child's family by professionals who have substantial and relevant training, education, or competencies otherwise demonstrated in the area of children and family services;

(2) Children's services providers and agencies shall be evaluated by the division based on objective, consistent, and performance-based criteria;

(3) Any case management services provided shall be subject to a case management plan established under subsection 5 of this section which is consistent with all relevant federal guidelines. The case management plan shall focus on attaining permanency in children's living conditions to the greatest extent possible and shall include concurrent planning and independent living where appropriate in accordance with the best interests of each child served and considering relevant factors applicable to each individual case as provided by law, including:

(a) The interaction and interrelationship of a child with the child's foster parents, biological or adoptive parents, siblings, and any other person who may significantly affect the child's best interests;

(b) A child's adjustment to his or her foster home, school, and community;

(c) The mental and physical health of all individuals involved, including any history of abuse of or by any individuals involved;

(d) The needs of the child for a continuing relationship with the child's biological or adoptive parents and the ability and willingness of the child's biological or adoptive parents to actively perform their functions as parents with regard to the needs of the child; and

(e) For any child, treatment services may be available as defined in section 210.110. Assessments, as defined in section 210.110, may occur to determine which treatment services best meet the child's psychological and social needs. When the assessment indicates that a child's needs can be best resolved by intensive twenty-four-hour treatment services, the division will locate, contract, and place the child with the appropriate organizations. This placement will be viewed as the least restrictive for the child based on the assessment;

(4) The delivery system shall have sufficient flexibility to take into account children and families on a case-by-case basis;

(5) The delivery system shall provide a mechanism for the assessment of strategies to work with children and families immediately upon entry into the system to maximize permanency and successful outcome in the shortest time possible and shall include concurrent planning. Outcome measures for private and public agencies shall be equal for each program; and

(6) Payment to the children's services providers and agencies shall be made based on the reasonable costs of services, including responsibilities necessary to execute the contract. Contracts shall provide incentives in addition to the costs of services provided in recognition of accomplishment of the case goals and the corresponding cost savings to the state. The division shall promulgate rules to implement the provisions of this subdivision.

5. Contracts entered into under this section shall require that a case management plan consistent with all relevant federal guidelines shall be developed for each child at the earliest time after the initial investigation, but in no event longer than thirty days after the initial investigation or referral to the

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Matter in bold-face type is proposed language.

contractor by the division. Such case management plan shall be presented to the court and be the foundation of service delivery to the child and family. The case management plan shall, at a minimum, include:

- (1) An outcome target based on the child and family situation achieving permanency or independent living, where appropriate;
- (2) Services authorized and necessary to facilitate the outcome target;
- (3) Time frames in which services will be delivered; and
- (4) Necessary evaluations and reporting.

In addition to any visits and assessments required under case management, services to be provided by a public or private children's services provider under the specific case management plan may include family-centered services, foster and adoptive parent recruitment and retention, residential care, in-home services, foster care services, adoption services, relative care case services, planned permanent living services, and family reunification services. In all cases, an appropriate level of services shall be provided to the child and family after permanency is achieved to assure a continued successful outcome.

6. By December 1, 2018, the division shall convene a task force to review the recruitment, licensing and retention of foster and adoptive parents statewide. In addition to representatives of the division and department, the task force shall include representatives of the private sector and faith-based community which provide recruitment and licensure services. The purpose of the task force shall and will be to study the extent to which changes in the system of recruiting, licensing, and retaining foster and adoptive parents would enhance the effectiveness of the system statewide. The task force shall develop a report of its findings with recommendations by December 1, 2019, and provide copies of the report to the general assembly, to the joint committee on child abuse and neglect under section 21.771, and to the governor.

7. On or before July 15, 2006, and each July fifteenth thereafter that the project is in operation, the division shall submit a report to the general assembly which shall include:

- (1) Details about the specifics of the contracts, including the number of children and families served, the cost to the state for contracting such services, the current status of the children and families served, an assessment of the quality of services provided and outcomes achieved, and an overall evaluation of the project; and
- (2) Any recommendations regarding the continuation or possible statewide implementation of such project; and
- (3) Any information or recommendations directly related to the provision of direct services for children and their families that any of the contracting children's services providers "and agencies request to have included in the report[.

[8.] **5.** The division shall accept as prima facie evidence of completion of the requirements for licensure under sections 210.481 to 210.511 proof that an agency is accredited by any of the following nationally recognized bodies: the Council on Accreditation of Services, Children and Families, Inc.; the Joint Commission on Accreditation of Hospitals; or the Commission on Accreditation of Rehabilitation Facilities. [The division shall not require any further evidence of qualification for licensure if such proof of voluntary accreditation is submitted.]

6. Payment to the children's services providers and agencies shall be made based on the reasonable costs of services, including responsibilities necessary to execute the contract. Any reimbursement increases made through enhanced appropriations for services shall be allocated to providers regardless of whether the provider is public or private. Such increases shall be considered additive to the existing contracts. In addition to payments reflecting the cost of services, contracts shall include incentives provided in recognition of performance based on the evaluation tool created under this section and the corresponding savings for the state. The

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Matter in bold-face type is proposed language.

response and evaluation team under this section shall review a formula to distribute such payments, as recommended by the division.

7. The division shall consider immediate actions that are in the best interests of the children served including, but not limited to, placing the agency on a corrective plan, halting new referrals, transferring cases to other performing providers, or terminating the provider's contract. The division shall take steps necessary to evaluate the nature of the issue and act accordingly in the most timely fashion possible.

[9.] 8. By [February 1, 2005] **July 1, 2021**, the children's division shall promulgate and have in effect rules to implement the provisions of this section and, pursuant to this section, shall define implementation plans and dates. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

210.116. SHARING OF INFORMATION WITH CHILD WELFARE AGENCIES AND LAW ENFORCEMENT, WHEN. — The division may share any records, information, and findings with federal, state, or local child welfare agency personnel and law enforcement agencies, including those from outside the state, or any agent of such agencies, in the performance of the division's duties, upon a reasonable belief that such information is needed to protect a child from abuse or neglect or to assist such agency in providing child welfare services. Such information may include, but is not limited to, substantiated or unsubstantiated reports of abuse or neglect, family assessments, and any other documents or information the division deems necessary for another agency to have access to in order to protect a child. Identifying information may be shared only if the children's division reasonably believes the receiving entity will prevent the unauthorized dissemination of the information contained therein.

210.123. TEMPORARY ALTERNATIVE PLACEMENT AGREEMENTS — DEFINITIONS — PURPOSE — REQUIREMENTS — RULEMAKING AUTHORITY. — 1. As used in this section, the following terms and phrases mean:

- (1) "Relative", as that term is defined in section 210.565. Such relative shall be an adult;
- (2) "Temporary alternative placement agreement", a voluntary agreement between the division, a relative of the child, and the parent or guardian of the child to provide a temporary, out of home placement for a child if the parent or guardian is temporarily unable to provide care or support for the child and the child is not in imminent danger of death or serious bodily injury, or being sexually abused such that the division determines that a referral to the juvenile office with a recommendation to file a petition or to remove the child is not appropriate. The agreement shall be reduced to writing within three business days. The written agreement shall be signed by the parent or guardian, the relative, and the authorized representative of the division. A temporary alternative placement agreement shall be valid for no more than ninety days. If the agreement shall be extended beyond ninety days, then, before the expiration of the ninety-day period, the division shall send a referral to the juvenile officer to make a determination whether to file a petition, to set the matter for a preliminary child welfare hearing, or to take other appropriate action as the juvenile officer deems necessary. The temporary alternative placement agreement shall include:

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(a) A plan for return of the child to the child's parent or legal guardian within the time specified under the agreement, or diligent implementation of an alternative, legal arrangement for the safe care, custody, and control of the child including, but not limited to, execution of a power of attorney under section 475.602, an affidavit for relative caretaker under section 431.058, legal guardianship, the entry of an order of child protection, or entry of temporary or permanent legal custody arrangements by a court of competent jurisdiction;

(b) A requirement that the parties cooperate with the division and participate in all services offered by the division;

(c) A notice to all parties that the division will notify the juvenile officer that a temporary alternative placement agreement has been implemented, that a copy of the agreement will be provided to the juvenile officer, that the temporary alternative placement agreement is not binding on the juvenile officer, and the division retains the authority to refer the case to the juvenile officer with a recommendation for further action at any time;

(d) Identifying the behaviorally specific changes that the parent or guardian of the child shall make to ensure that the child's safety and welfare can be assured before the child is returned to the home;

(e) Identifying the services that the division shall offer the parents and the child to address the reasons the child is being placed out of the home;

(f) Requiring that the child reside in the state of Missouri for the duration of the agreement; and

(g) That the agreement is voluntary and that the parent or guardian may withdraw from the agreement upon five days' written notice.

2. As provided in this section, the division may enter into a temporary alternative placement agreement with parents and legal guardians of a minor child who cannot safely remain in the child's home on a temporary basis. The purpose of such agreement is to mitigate trauma to the child and to enable the division to make reasonable efforts to assure the safety of a child in a placement familiar to the child, and to give the child and the child's family an opportunity to develop and implement a plan to assure the stability and well-being of the child in the short term. The child shall reside in the state of Missouri for the duration of the temporary alternative placement agreement unless the child requires medical treatment in another state that is not reasonably available within the state of Missouri.

3. (1) The division shall conduct a walk-through of the relative's home where the child will be staying and conduct a background check of the relative and any adult household member before determining whether the relative is suitable.

(2) The background check shall include a check of the central registry, the sexual offender registry, the department of social services' family care safety registry, any state courts automated case management system, and the records of the division to determine if circumstances exist that indicate the child shall not be safe if placed in the home. The division may, in its discretion, follow up with a fingerprint-based criminal background check.

(3) The suitable relative shall be a resident of the state of Missouri and shall remain a resident of the state of Missouri for the duration of the agreement.

4. (1) The division may only enter into a temporary alternative placement agreement if:

(a) The child cannot remain safely in the home of the child's parent or legal guardian;

(b) It is not apparent that the child is otherwise in imminent danger of death, serious physical injury, or being sexually abused such that an immediate referral to the juvenile officer with a recommendation to remove the child and initiate juvenile court proceedings is appropriate;

(c) There is a relative who is ready, willing, and able to provide safe care for the child on a temporary basis;

(d) The division has reasonably available services for the child and family to support and supervise the implementation of the agreement;

(e) The child's parent or legal guardian voluntarily enters into the agreement; and

(f) The child's parent or legal guardian executes all necessary documents and consents to implement the agreement.

(2) The fact that the parent or legal guardian has been advised that the division or juvenile officer may take additional action within his or her authority under law shall not constitute a basis for claiming that the parent or legal guardian's agreement is not voluntary or was coerced.

(3) The parent or guardian shall give at least five days' written notice of intent to terminate the agreement to the division and the relative placement provider. The agreement shall remain in effect until the termination of the agreement is effective.

5. (1) The relative shall have the authority to make the day-to-day decisions for the care of the child during the agreement, as provided in the agreement, and shall further have the authority to make educational and medical decisions for the child as provided in this section.

(2) The relative shall consult with the child's parents, legal guardian, and the division before making decisions pertaining to the child other than routine, day-to-day decisions necessary to care for the child.

(3) The division shall provide a notice to the relative on a form promulgated by the division for use in notifying schools, medical care providers, and others that the suitable relative or adult has the temporary authority to make these decisions. Individuals and institutions, including schools and medical care providers, acting upon the authority of such notice shall be immune from liability for acting upon the authority as set forth in the notice.

6. (1) The division shall closely monitor, track, and document the implementation of the provisions of the temporary alternative placement agreement for the duration of the agreement.

(2) The division shall have personal contact with the child as may be appropriate to ensure that the temporary alternative placement agreement is being safely implemented, but in no event less than two times each month. At least one personal contact with the child shall be in the child's alternative placement.

(3) The division shall schedule a team decision making meeting within ten days of the execution of a temporary alternative placement agreement and at least once every month thereafter for the duration of the agreement.

(4) Within ten days of the execution of a temporary alternative placement agreement, the division shall open a family centered services case and keep the case open for the duration of the agreement.

(5) No later than ten days before the termination of the temporary alternative placement agreement, the division shall submit a written report to the juvenile office. The division shall provide a copy of the report to the placement provider and the child's parent or guardian. The report shall include a copy of the agreement, a specific description of the steps taken to complete the agreement, and a recommendation to the juvenile officer about whether further action may be necessary.

7. If the parent or guardian does not agree to the temporary alternative placement agreement, the division shall refer the matter to the juvenile officer for appropriate action as determined by the juvenile officer.

8. All parties to the temporary alternative care agreement shall exercise diligent efforts to implement the agreement. The suitable relative and the parents or guardians shall fully cooperate with the division.

9. If the division determines that the goals of the temporary alternative placement agreement are not accomplished within the time period specified in the agreement and the safety or

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wellbeing of the child cannot be assured if the child were to return home, the division shall refer the case to the juvenile officer.

10. A temporary alternative placement agreement may be executed in conjunction with the informal adjustment process through the juvenile office.

11. The juvenile officer shall not be bound by the terms of a temporary alternative placement agreement, unless the juvenile officer is a signatory to the agreement, and the juvenile officer may exercise discretion to take appropriate action within the juvenile officer's authority under law. However, the juvenile officer shall take into consideration the provisions of and the implementation of the agreement when taking action under such authority.

12. The division shall promulgate regulations to implement the provisions of this section. This section shall not be effective until the regulations are promulgated.

210.145. TELEPHONE HOTLINE FOR REPORTS ON CHILD ABUSE — DIVISION DUTIES, PROTOCOLS, LAW ENFORCEMENT CONTACTED IMMEDIATELY, INVESTIGATION CONDUCTED, WHEN, EXCEPTION — CHIEF INVESTIGATOR NAMED — FAMILY SUPPORT TEAM MEETINGS, WHO MAY ATTEND — REPORTER'S RIGHT TO RECEIVE INFORMATION — ADMISSIBILITY OF REPORTS IN CUSTODY CASES. — 1. The division shall develop protocols which give priority to:

(1) Ensuring the well-being and safety of the child in instances where child abuse or neglect has been alleged;

(2) Promoting the preservation and reunification of children and families consistent with state and federal law;

(3) Providing due process for those accused of child abuse or neglect; and

(4) Maintaining an information system operating at all times, capable of receiving and maintaining reports. This information system shall have the ability to receive reports over a single, statewide toll-free number. Such information system shall maintain the results of all investigations, family assessments and services, and other relevant information.

2. **(1)** The division shall utilize structured decision-making protocols, **including a standard risk assessment that shall be completed within seventy-two hours of the report of abuse or neglect**, for classification purposes of all child abuse and neglect reports. The protocols developed by the division shall give priority to ensuring the well-being and safety of the child. All child abuse and neglect reports shall be initiated within twenty-four hours and shall be classified based upon the reported risk and injury to the child. The division shall promulgate rules regarding the structured decision-making protocols to be utilized for all child abuse and neglect reports.

(2) The director of the division and the office of state courts administrator shall develop a joint safety assessment tool before December 31, 2020, and such tool shall be implemented before January 1, 2022. The safety assessment tool shall replace the standard risk assessment required under subdivision (1) of this subsection and shall also be completed within seventy-two hours of the report of abuse or neglect.

3. Upon receipt of a report, the division shall determine if the report merits investigation, including reports which if true would constitute a suspected violation of any of the following: section 565.020, 565.021, 565.023, 565.024, or 565.050 if the victim is a child less than eighteen years of age, section 566.030 or 566.060 if the victim is a child less than eighteen years of age, or other crimes under chapter 566 if the victim is a child less than eighteen years of age and the perpetrator is twenty-one years of age or older, section 567.050 if the victim is a child less than eighteen years of age, section 568.020, 568.030, 568.045, 568.050, 568.060, 573.200, or 573.205, section 573.025, 573.035, 573.037, or 573.040, or an attempt to commit any such crimes. The division shall immediately communicate all reports that merit investigation to its appropriate local office and any relevant information as may be contained in the information system. The local division staff shall determine, through the use of protocols developed by

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the division, whether an investigation or the family assessment and services approach should be used to respond to the allegation. The protocols developed by the division shall give priority to ensuring the well-being and safety of the child.

4. The division may accept a report for investigation or family assessment if either the child or alleged perpetrator resides in Missouri, may be found in Missouri, or if the incident occurred in Missouri.

5. If the division receives a report in which neither the child nor the alleged perpetrator resides in Missouri or may be found in Missouri and the incident did not occur in Missouri, the division shall document the report and communicate it to the appropriate agency or agencies in the state where the child is believed to be located, along with any relevant information or records as may be contained in the division's information system.

6. When the child abuse and neglect hotline receives three or more calls, within a seventy-two hour period, from one or more individuals concerning the same child, the division shall conduct a review to determine whether the calls meet the criteria and statutory definition for a child abuse and neglect report to be accepted. In conducting the review, the division shall contact the hotline caller or callers in order to collect information to determine whether the calls meet the criteria for harassment.

7. The local office shall contact the appropriate law enforcement agency immediately upon receipt of a report which division personnel determine merits an investigation and provide such agency with a detailed description of the report received. In such cases the local division office shall request the assistance of the local law enforcement agency in all aspects of the investigation of the complaint. The appropriate law enforcement agency shall either assist the division in the investigation or provide the division, within twenty-four hours, an explanation in writing detailing the reasons why it is unable to assist.

8. The local office of the division shall cause an investigation or family assessment and services approach to be initiated in accordance with the protocols established in subsection 2 of this section, except in cases where the sole basis for the report is educational neglect. If the report indicates that educational neglect is the only complaint and there is no suspicion of other neglect or abuse, the investigation shall be initiated within seventy-two hours of receipt of the report. If the report indicates the child is in danger of serious physical harm or threat to life, an investigation shall include direct observation of the subject child within twenty-four hours of the receipt of the report. Local law enforcement shall take all necessary steps to facilitate such direct observation. Callers to the child abuse and neglect hotline shall be instructed by the division's hotline to call 911 in instances where the child may be in immediate danger. If the parents of the child are not the alleged perpetrators, a parent of the child must be notified prior to the child being interviewed by the division. No person responding to or investigating a child abuse and neglect report shall call prior to a home visit or leave any documentation of any attempted visit, such as business cards, pamphlets, or other similar identifying information if he or she has a reasonable basis to believe the following factors are present:

- (1) (a) No person is present in the home at the time of the home visit; and
- (b) The alleged perpetrator resides in the home or the physical safety of the child may be compromised if the alleged perpetrator becomes aware of the attempted visit;
- (2) The alleged perpetrator will be alerted regarding the attempted visit; or
- (3) The family has a history of domestic violence or fleeing the community.

If the alleged perpetrator is present during a visit by the person responding to or investigating the report, such person shall provide written material to the alleged perpetrator informing him or her of his or her rights regarding such visit, including but not limited to the right to contact an attorney. The alleged perpetrator shall be given a reasonable amount of time to read such written material or have such material read to him or her by the case worker before the visit commences, but in no event shall such

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time exceed five minutes; except that, such requirement to provide written material and reasonable time to read such material shall not apply in cases where the child faces an immediate threat or danger, or the person responding to or investigating the report is or feels threatened or in danger of physical harm. If the abuse is alleged to have occurred in a school or child care facility the division shall not meet with the child in any school building or child-care facility building where abuse of such child is alleged to have occurred. When the child is reported absent from the residence, the location and the well-being of the child shall be verified. For purposes of this subsection, "child care facility" shall have the same meaning as such term is defined in section 210.201.

9. The director of the division shall name at least one chief investigator for each local division office, who shall direct the division response on any case involving a second or subsequent incident regarding the same subject child or perpetrator. The duties of a chief investigator shall include verification of direct observation of the subject child by the division and shall ensure information regarding the status of an investigation is provided to the public school district liaison. The public school district liaison shall develop protocol in conjunction with the chief investigator to ensure information regarding an investigation is shared with appropriate school personnel. The superintendent of each school district shall designate a specific person or persons to act as the public school district liaison. Should the subject child attend a nonpublic school the chief investigator shall notify the school principal of the investigation. Upon notification of an investigation, all information received by the public school district liaison or the school shall be subject to the provisions of the federal Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. Section 1232g, and federal rule 34 C.F.R. Part 99.

10. The investigation shall include but not be limited to the nature, extent, and cause of the abuse or neglect; the identity and age of the person responsible for the abuse or neglect; the names and conditions of other children in the home, if any; the home environment and the relationship of the subject child to the parents or other persons responsible for the child's care; any indication of incidents of physical violence against any other household or family member; and other pertinent data.

11. When a report has been made by a person required to report under section 210.115, the division shall contact the person who made such report within forty-eight hours of the receipt of the report in order to ensure that full information has been received and to obtain any additional information or medical records, or both, that may be pertinent.

12. Upon completion of the investigation, if the division suspects that the report was made maliciously or for the purpose of harassment, the division shall refer the report and any evidence of malice or harassment to the local prosecuting or circuit attorney.

13. Multidisciplinary teams shall be used whenever conducting the investigation as determined by the division in conjunction with local law enforcement. Multidisciplinary teams shall be used in providing protective or preventive social services, including the services of law enforcement, a liaison of the local public school, the juvenile officer, the juvenile court, and other agencies, both public and private.

14. For all family support team meetings involving an alleged victim of child abuse or neglect, the parents, legal counsel for the parents, foster parents, the legal guardian or custodian of the child, the guardian ad litem for the child, and the volunteer advocate for the child shall be provided notice and be permitted to attend all such meetings. Family members, other than alleged perpetrators, or other community informal or formal service providers that provide significant support to the child and other individuals may also be invited at the discretion of the parents of the child. In addition, the parents, the legal counsel for the parents, the legal guardian or custodian and the foster parents may request that other individuals, other than alleged perpetrators, be permitted to attend such team meetings. Once a person is provided notice of or attends such team meetings, the division or the convenor of the meeting shall provide such persons with notice of all such subsequent meetings involving the child. Families may determine whether individuals invited at their discretion shall continue to be invited.

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15. If the appropriate local division personnel determine after an investigation has begun that completing an investigation is not appropriate, the division shall conduct a family assessment and services approach. The division shall provide written notification to local law enforcement prior to terminating any investigative process. The reason for the termination of the investigative process shall be documented in the record of the division and the written notification submitted to local law enforcement. Such notification shall not preclude nor prevent any investigation by law enforcement.

16. If the appropriate local division personnel determines to use a family assessment and services approach, the division shall:

(1) Assess any service needs of the family. The assessment of risk and service needs shall be based on information gathered from the family and other sources;

(2) Provide services which are voluntary and time-limited unless it is determined by the division based on the assessment of risk that there will be a high risk of abuse or neglect if the family refuses to accept the services. The division shall identify services for families where it is determined that the child is at high risk of future abuse or neglect. The division shall thoroughly document in the record its attempt to provide voluntary services and the reasons these services are important to reduce the risk of future abuse or neglect to the child. If the family continues to refuse voluntary services or the child needs to be protected, the division may commence an investigation;

(3) Commence an immediate investigation if at any time during the family assessment and services approach the division determines that an investigation, as delineated in sections 210.109 to 210.183, is required. The division staff who have conducted the assessment may remain involved in the provision of services to the child and family;

(4) Document at the time the case is closed, the outcome of the family assessment and services approach, any service provided and the removal of risk to the child, if it existed.

17. (1) Within forty-five days of an oral report of abuse or neglect, the local office shall update the information in the information system. The information system shall contain, at a minimum, the determination made by the division as a result of the investigation, identifying information on the subjects of the report, those responsible for the care of the subject child and other relevant dispositional information. The division shall complete all investigations within forty-five days, unless good cause for the failure to complete the investigation is specifically documented in the information system. Good cause for failure to complete an investigation shall include, but not be limited to:

(a) The necessity to obtain relevant reports of medical providers, medical examiners, psychological testing, law enforcement agencies, forensic testing, and analysis of relevant evidence by third parties which has not been completed and provided to the division;

(b) The attorney general or the prosecuting or circuit attorney of the city or county in which a criminal investigation is pending certifies in writing to the division that there is a pending criminal investigation of the incident under investigation by the division and the issuing of a decision by the division will adversely impact the progress of the investigation; or

(c) The child victim, the subject of the investigation or another witness with information relevant to the investigation is unable or temporarily unwilling to provide complete information within the specified time frames due to illness, injury, unavailability, mental capacity, age, developmental disability, or other cause.

The division shall document any such reasons for failure to complete the investigation.

(2) If a child fatality or near-fatality is involved in a report of abuse or neglect, the investigation shall remain open until the division's investigation surrounding such death or near-fatal injury is completed.

(3) If the investigation is not completed within forty-five days, the information system shall be updated at regular intervals and upon the completion of the investigation, which shall be completed no

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later than ninety days after receipt of a report of abuse or neglect, or one hundred twenty days after receipt of a report of abuse or neglect involving sexual abuse, or until the division's investigation is complete in cases involving a child fatality or near-fatality. The information in the information system shall be updated to reflect any subsequent findings, including any changes to the findings based on an administrative or judicial hearing on the matter.

18. A person required to report under section 210.115 to the division and any person making a report of child abuse or neglect made to the division which is not made anonymously shall be informed by the division of his or her right to obtain information concerning the disposition of his or her report. Such person shall receive, from the local office, if requested, information on the general disposition of his or her report. Such person may receive, if requested, findings and information concerning the case. Such release of information shall be at the discretion of the director based upon a review of the reporter's ability to assist in protecting the child or the potential harm to the child or other children within the family. The local office shall respond to the request within forty-five days. The findings shall be made available to the reporter within five days of the outcome of the investigation. If the report is determined to be unsubstantiated, the reporter may request that the report be referred by the division to the office of child advocate for children's protection and services established in sections 37.700 to 37.730. Upon request by a reporter under this subsection, the division shall refer an unsubstantiated report of child abuse or neglect to the office of child advocate for children's protection and services.

19. The division shall provide to any individual who is not satisfied with the results of an investigation information about the office of child advocate and the services it may provide under sections 37.700 to 37.730.

20. In any judicial proceeding involving the custody of a child the fact that a report may have been made pursuant to sections 210.109 to 210.183 shall not be admissible. However:

(1) Nothing in this subsection shall prohibit the introduction of evidence from independent sources to support the allegations that may have caused a report to have been made; and

(2) The court may on its own motion, or shall if requested by a party to the proceeding, make an inquiry not on the record with the children's division to determine if such a report has been made.

If a report has been made, the court may stay the custody proceeding until the children's division completes its investigation.

21. Nothing in this chapter shall be construed to prohibit the children's division from coinvestigating a report of child abuse or neglect or sharing records and information with child welfare, law enforcement, or judicial officers of another state, territory, or nation if the children's division determines it is appropriate to do so under the standard set forth in subsection 4 of section 210.150 and if such receiving agency is exercising its authority under the law.

22. In any judicial proceeding involving the custody of a child where the court determines that the child is in need of services under paragraph (d) of subdivision (1) of subsection 1 of section 211.031 and has taken jurisdiction, the child's parent, guardian or custodian shall not be entered into the registry.

23. The children's division is hereby granted the authority to promulgate rules and regulations pursuant to the provisions of section 207.021 and chapter 536 to carry out the provisions of sections 210.109 to 210.183.

24. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid and void.

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210.566. FOSTER PARENTS' BILL OF RIGHTS. — 1. (1) The children's division and its contractors, recognizing that foster parents are not clients but rather are colleagues in the child welfare team, shall treat foster parents in a manner consistent with the National Association of Social Workers' ethical standards of conduct as described in its Social Workers' Ethical Responsibilities to Colleagues. Foster parents shall treat the children in their care, the child's birth family and members of the child welfare team in a manner consistent with their ethical responsibilities as professional team members.

(2) The children's division and its contractors shall provide written notification of the rights enumerated in this section at the time [of] **a child is placed with the prospective foster parent, at initial licensure, and at the time of each licensure renewal following the initial licensure period.**

2. (1) The children's division and its contractors shall provide foster parents with regularly scheduled opportunities for preservice training, and regularly scheduled opportunities for pertinent inservice training, as determined by the Missouri State Foster Care and Adoption Advisory Board.

(2) The children's division and its contractors shall provide to foster parents and potential adoptive parents, prior to placement, all pertinent information, including but not limited to full disclosure of all medical, psychological, and psychiatric conditions of the child, as well as information from previous placements that would indicate that the child or children may have a propensity to cause violence to any member of the foster family home. The foster parents shall be provided with any information regarding the child or the child's family, including but not limited to the case plan, any family history of mental or physical illness, sexual abuse of the child or sexual abuse perpetrated by the child, criminal background of the child or the child's family, fire-setting or other destructive behavior by the child, substance abuse by the child or child's family, or any other information which is pertinent to the care and needs of the child and to protect the foster or adoptive family. **The children's division and its contractors shall provide full access to the child's medical, psychological, and psychiatric records in its possession at the time of placement, including records prior to the child coming into care, at the time the child is placed with a foster parent. After initial placement, the children's division and its contractors shall have a continuing duty and obligation to provide access to such records that come into its possession or of which the division or its contractors become aware. Access shall include providing information and authorization for foster parents to review or to obtain the records directly from the medical, psychological, or psychiatric services provider. A foster parent may decline access to any or all of the child's records.** Knowingly providing false or misleading information to foster parents in order to secure placement shall be denoted in the caseworker's personnel file and shall be kept on record by the division.

(3) The children's division and its contractors shall arrange preplacement visits, except in emergencies.

(4) The foster parents may ask questions about the child's case plan, encourage a placement or refuse a placement without reprisal from the caseworker or agency. After a placement, the children's division and its contractors shall update the foster parents as new information about the child is gathered.

(5) Foster parents shall be informed in a timely manner by the children's division and its contractors of all team meetings and staffings concerning their licensure status or children placed in their homes, and shall be allowed to participate, consistent with section 210.761.

(6) The children's division and its contractors shall establish reasonably accessible respite care for children in foster care for short periods of time, jointly determined by foster parents and the child's caseworker pursuant to section 210.545. Foster parents shall follow all procedures established by the children's division and its contractors for requesting and using respite care.

(7) Foster parents shall treat all information received from the children's division and its contractors about the child and the child's family as confidential. Information necessary for the medical or psychiatric care of the child may be provided to the appropriate practitioners. Foster parents may share

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information necessary with school personnel in order to secure a safe and appropriate education for the child. Additionally, foster parents shall share information they may learn about the child and the child's family, and concerns that arise in the care of the child, with the caseworker and other members of the child welfare team. Recognizing that placement changes are difficult for children, foster parents shall seek all necessary information, and participate in preplacement visits whenever possible, before deciding whether to accept a child for placement.

3. (1) Foster parents shall make decisions about the daily living concerns of the child, and shall be permitted to continue the practice of their own family values and routines while respecting the child's cultural heritage. All discipline shall be consistent with state laws and regulations. The children's division shall allow foster parents to help plan visitation between the child and the child's siblings or biological family. Visitations should be scheduled at a time that meets the needs of the child, the biological family members, and the foster family whenever possible. Recognizing that visitation with family members is an important right of children in foster care, foster parents shall be flexible and cooperative with regard to family visits. **The children's division shall not require foster parents to conduct supervised visits or be present during any supervised visits between the child and the child's siblings or biological family.**

(2) Foster parents shall provide care that is respectful of the child's cultural identity and needs. Recognizing that cultural competence can be learned, the children's division and their contractors shall provide foster parents with training that specifically addresses cultural needs of children, including but not limited to, information on skin and hair care, information on any specific religious or cultural practices of the child's biological family, and referrals to community resources for ongoing education and support.

(3) Foster parents shall recognize that the purpose of discipline is to teach and direct the behavior of the child, and ensure that it is administered in a humane and sensitive manner. Foster parents shall use discipline methods which are consistent with children's division policy.

4. (1) Consistent with state laws and regulations, the children's division and its contractors shall provide, upon request by the foster parents, information about a child's progress after the child leaves foster care.

(2) Except in emergencies, foster parents shall be given two weeks advance notice and a written statement of the reasons before a child is removed from their care. When requesting removal of a child from their home, foster parents shall give two weeks advance notice, consistent with division policy, to the child's caseworker, except in emergency situations.

(3) Recognizing the critical nature of attachment for children, if a child reenters the foster care system and is not placed in a relative home, the child's former foster parents shall be given first consideration for placement of the child.

(4) If a child becomes free for adoption while in foster care, the child's foster family shall be given preferential consideration as adoptive parents consistent with section 453.070.

(5) If a foster child becomes free for adoption and the foster parents desire to adopt the child, they shall inform the caseworker within sixty days of the caseworker's initial query. If they do not choose to pursue adoption, foster parents shall make every effort to support and encourage the child's placement in a permanent home, including but not limited to providing information on the history and care needs of the child and accommodating transitional visitation.

5. Foster parents shall be informed by the court no later than two weeks prior to all court hearings pertaining to a child in their care, and informed of their right to attend and participate, consistent with section 211.464.

6. The children's division and their contractors shall provide access to a fair and impartial grievance process to address licensure, case management decisions, and delivery of service issues. Foster parents

shall have timely access to the child placement agency's appeals process, and shall be free from acts of retaliation when exercising the right to appeal.

7. The children's division and their contractors shall provide training to foster parents on the policies and procedures governing the licensure of foster homes, the provision of foster care, and the adoption process. Foster parents shall, upon request, be provided with written documentation of the policies of the children's division and their contractors. Per licensure requirements, foster parents shall comply with the policies of the child placement agency.

8. For purposes of this section, "foster parent" means a resource family providing care of children in state custody.

210.652. ELECTRONIC EXCHANGING OF DATA AND DOCUMENTS. — Beginning August 28, 2020, the department of social services, in conjunction with the office of administration, shall implement a computerized method to allow for the electronic exchanging of data and documents required by the Interstate Compact on the Placement of Children to place children across state lines.

211.135. APPEARANCE OF CHILD IN COURT, WHEN. — The court, after considering all information provided by the children's division and input from the family support team, shall order the child to appear in court only:

(1) If necessary to make a decision; and

(2) After considering:

(a) The appropriateness of the courtroom environment for the child based on the level of trauma to the child either in the past or to be caused by the experience in the courtroom; and

(b) The hardship to be endured by the child and current guardians in regards to the disruption in regular activities, including school and work, and the needs of any other children in the home,

so long as the court is in compliance with all federal guidelines.

211.171. HEARING PROCEDURE — NOTIFICATION OF CURRENT FOSTER PARENTS, PREADOPTIVE PARENTS AND RELATIVES, WHEN — PUBLIC MAY BE EXCLUDED, WHEN — VICTIM IMPACT STATEMENT PERMITTED, WHEN. — 1. The procedure to be followed at the hearing shall be determined by the juvenile court judge and may be as formal or informal as he or she considers desirable, consistent with constitutional and statutory requirements. The judge may take testimony and inquire into the habits, surroundings, conditions and tendencies of the child and the family to enable the court to render such order or judgment as will best promote the welfare of the child and carry out the objectives of this chapter.

2. The hearing may, in the discretion of the court, proceed in the absence of the child and may be adjourned from time to time.

3. The current foster [parents] **parent** of a child, or any preadoptive parent or relative currently providing care for the child, shall be provided with notice of, and an opportunity to be heard in, any hearing to be held with respect to [the] **a child in his or her care**, and a foster parent shall have standing to participate in all court hearings pertaining to a child in their care. **If a foster parent alleges the court failed to allow the foster parent to be heard orally or by submission of correspondence at any hearing regarding a child in their care, the foster parent may seek remedial writ relief pursuant to Missouri supreme court rules 84, 94, and 97. No docket fee shall be required to be paid by the foster parent. The children's division shall not remove a child from placement with a foster**

parent based solely upon the foster parent's filing of a petition for a remedial writ or while a writ is pending, unless removal is necessary to ensure the health and safety of the child.

4. The court shall ensure a child's foster parent has received full access to the child's medical, psychological, and psychiatric records, including prior records, from the children's division and its contractors under section 210.566, by inquiring at the first hearing at which the foster parent is present.

5. All cases of children shall be heard separately from the trial of cases against adults.

[5.] 6. Stenographic notes or an authorized recording of the hearing shall be required if the court so orders or, if requested by any party interested in the proceeding.

[6.] 7. The general public shall be excluded and only such persons admitted as have a direct interest in the case or in the work of the court except in cases where the child is accused of conduct which, if committed by an adult, would be considered a class A or B felony; or for conduct which would be considered a class C felony, if the child has previously been formally adjudicated for the commission of two or more unrelated acts which would have been class A, B or C felonies, if committed by an adult.

[7.] 8. The practice and procedure customary in proceedings in equity shall govern all proceedings in the juvenile court; except that, the court shall not grant a continuance in such proceedings absent compelling extenuating circumstances, and in such cases, the court shall make written findings on the record detailing the specific reasons for granting a continuance.

[8.] 9. The court shall allow the victim of any offense to submit a written statement to the court. The court shall allow the victim to appear before the court personally or by counsel for the purpose of making a statement, unless the court finds that the presence of the victim would not serve justice. The statement shall relate solely to the facts of the case and any personal injuries or financial loss incurred by the victim. A member of the immediate family of the victim may appear personally or by counsel to make a statement if the victim has died or is otherwise unable to appear as a result of the offense committed by the child.

Approved July 13, 2020

HCS SB 656

Enacts provisions relating to veterans.

AN ACT to repeal sections 168.021, 192.2305, 208.151, 209.150, 209.200, 209.204, 210.109, 210.150, 301.451, and 571.104, RSMo, and to enact in lieu thereof twenty-one new sections relating to veterans.

SECTION

- A Enacting clause.
- 9.302 Honor Guard appreciation day designated for August 19.
- 9.305 Ghost Army recognition day designated for June 6.
- 9.311 Buddy Check 22 day designated for the twenty-second day of each month.
- 10.230 Missouri Korean War Veterans Memorial in Kansas City designated as the official Korean War Veterans Memorial.
- 10.237 Gold Star Families Memorial Monument at College of the Ozarks designated as an official Gold Star memorial monument.
- 10.238 Gold Star Memorial monument and pavilion designated as an official Gold Star memorial monument.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

- 10.239 Gold Star Memorial Monument at Capitol designated as an official Gold Star memorial monument.
- 27.115 Legal counsel program for military service members — marketing, publicity — administration of program, attorney general to collaborate with Missouri Bar.
- 42.017 Employment for veterans, commission duties — rulemaking authority.
- 168.021 Issuance of teachers' licenses and scholars certificates, requirements, procedure — fees — effect of certification in another state and subsequent employment in this state — certificate issuance for military members.
- 192.2305 Office of state ombudsman for long-term care facility and veterans' home residents created in department of health and senior services — purpose — powers and duties.
- 208.151 Medical assistance, persons eligible — rulemaking authority — waivers — military members eligibility, temporary suspension, when.
- 209.150 Rights of persons with disabilities — service dogs, no extra charge for — liability for actual damages.
- 209.200 Definitions.
- 209.204 Impersonating a person with a disability for the purpose of receiving certain accommodations, penalty, civil liability — misrepresentation of dog as service dog, penalty, civil liability — misrepresentation of animal as assistance animal, penalty, civil liability — placard, brochure.
- 210.109 Child protection system established by children's division, duties, records, investigations or assessments and services — central registry maintained.
- 210.150 Confidentiality of reports and records, exceptions — violations, penalty.
- 301.451 Purple Heart medal, special license plates.
- 301.3069 Central Missouri Honor Flight special license plate — application, procedure, fee.
- 301.3159 Meritorious Service special license plate — application, procedure, fee.
- 571.104 Suspension or revocation of endorsements and permits, when — renewal procedures — change of name or residence notification requirements — active military members, two-month renewal period.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 168.021, 192.2305, 208.151, 209.150, 209.200, 209.204, 210.109, 210.150, 301.451, and 571.104, RSMo, are repealed and twenty-one new sections enacted in lieu thereof, to be known as sections 9.302, 9.305, 9.311, 10.230, 10.237, 10.238, 10.239, 27.115, 42.017, 168.021, 192.2305, 208.151, 209.150, 209.200, 209.204, 210.109, 210.150, 301.451, 301.3069, 301.3159, and 571.104, to read as follows:

9.302. HONOR GUARD APPRECIATION DAY DESIGNATED FOR AUGUST 19. — **August nineteenth each year shall be designated as "Honor Guard Appreciation Day" in Missouri. Citizens of this state are encouraged to participate in appropriate events and activities to express appreciation for honor guards and the services they provide for deceased veterans and service members.**

9.305. GHOST ARMY RECOGNITION DAY DESIGNATED FOR JUNE 6. — **June sixth is hereby designated as "Ghost Army Recognition Day" in Missouri. Citizens of this state are encouraged to participate in appropriate events and activities to commemorate the deception missions carried out by the "Ghost Army" that were essential to Allied success in Europe during World War II.**

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Matter in bold-face type is proposed language.

9.311. BUDDY CHECK 22 DAY DESIGNATED FOR THE TWENTY-SECOND DAY OF EACH MONTH. — The twenty-second day of each month is hereby designated as "Buddy Check 22 Day" in Missouri to promote education and awareness of the problems of suicide facing military personnel.

10.230. MISSOURI KOREAN WAR VETERANS MEMORIAL IN KANSAS CITY DESIGNATED AS THE OFFICIAL KOREAN WAR VETERANS MEMORIAL. — The Missouri Korean War Veterans Memorial located in Kansas City, Missouri is selected for, and shall be known as, the official Korean War veterans memorial for the state of Missouri.

10.237. GOLD STAR FAMILIES MEMORIAL MONUMENT AT COLLEGE OF THE OZARKS DESIGNATED AS AN OFFICIAL GOLD STAR MEMORIAL MONUMENT. — The Gold Star Families Memorial Monument at the College of the Ozarks campus in Point Lookout, Missouri, shall be known as an official Gold Star Memorial Monument for the state of Missouri.

10.238. GOLD STAR MEMORIAL MONUMENT AND PAVILION DESIGNATED AS AN OFFICIAL GOLD STAR MEMORIAL MONUMENT. — The Gold Star Memorial Monument and Pavilion at Jefferson Barracks Park in St. Louis County, Missouri, shall be known as an official Gold Star Memorial Monument for the state of Missouri.

10.239. GOLD STAR MEMORIAL MONUMENT AT CAPITOL DESIGNATED AS AN OFFICIAL GOLD STAR MEMORIAL MONUMENT. — The Gold Star Memorial Monument at the Missouri Capitol in Jefferson City, Missouri, shall be known as an official Gold Star Memorial Monument for the state of Missouri.

27.115. LEGAL COUNSEL PROGRAM FOR MILITARY SERVICE MEMBERS — MARKETING, PUBLICITY — ADMINISTRATION OF PROGRAM, ATTORNEY GENERAL TO COLLABORATE WITH MISSOURI BAR. — The attorney general shall design, implement, and oversee a dedicated program to help military service members and their families find and retain affordable and qualified legal counsel in this state. The program shall be marketed to attorneys and military service members and their families. The program shall publicize coordinated offerings of pro bono legal services available to military service members and their families. The attorney general shall collaborate with the Missouri bar in administering this program.

42.017. EMPLOYMENT FOR VETERANS, COMMISSION DUTIES — RULEMAKING AUTHORITY. — 1. The commission shall actively seek out, within every county of this state and within any city not within a county, business organizations that have available job opportunities and are interested in hiring veterans to fill those opportunities. The commission shall collect contact information from such business organizations and shall prominently display such contact information in a table on the commission's website. The list of business organizations included in the table shall be arranged by county and city not within a county.

2. The commission may promulgate all necessary rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove

and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2020, shall be invalid and void.

168.021. ISSUANCE OF TEACHERS' LICENSES AND SCHOLARS CERTIFICATES, REQUIREMENTS, PROCEDURE — FEES — EFFECT OF CERTIFICATION IN ANOTHER STATE AND SUBSEQUENT EMPLOYMENT IN THIS STATE — CERTIFICATE ISSUANCE FOR MILITARY MEMBERS. — 1. Certificates of license to teach in the public schools of the state shall be granted as follows:

- (1) By the state board, under rules and regulations prescribed by it:
 - (a) Upon the basis of college credit;
 - (b) Upon the basis of examination;
- (2) By the state board, under rules and regulations prescribed by the state board with advice from the advisory council established by section 168.015 to any individual who presents to the state board a valid doctoral degree from an accredited institution of higher education accredited by a regional accrediting association such as North Central Association. Such certificate shall be limited to the major area of postgraduate study of the holder, shall be issued only after successful completion of the examination required for graduation pursuant to rules adopted by the state board of education, and shall be restricted to those certificates established pursuant to subdivision (2) of subsection 3 of this section;
- (3) By the state board, which shall issue the professional certificate classification in both the general and specialized areas most closely aligned with the current areas of certification approved by the state board, commensurate with the years of teaching experience of the applicant, and based upon the following criteria:
 - (a) Recommendation of a state-approved baccalaureate-level teacher preparation program;
 - (b) Successful attainment of the Missouri qualifying score on the exit assessment for teachers or administrators designated by the state board of education. Applicants who have not successfully achieved a qualifying score on the designated examinations will be issued a two-year nonrenewable provisional certificate; and
 - (c) Upon completion of a background check as prescribed in section 168.133 and possession of a valid teaching certificate in the state from which the applicant's teacher preparation program was completed;
- (4) By the state board, under rules prescribed by it, on the basis of a relevant bachelor's degree, or higher degree, and a passing score for the designated exit examination, for individuals whose academic degree and professional experience are suitable to provide a basis for instruction solely in the subject matter of banking or financial responsibility, at the discretion of the state board. Such certificate shall be limited to the major area of study of the holder and shall be restricted to those certificates established under subdivision (2) of subsection 3 of this section. Holders of certificates granted under this subdivision shall be exempt from the teacher tenure act under sections 168.102 to 168.130 and each school district shall have the decision-making authority on whether to hire the holders of such certificates;
- (5) By the state board, under rules and regulations prescribed by it, on the basis of certification by the American Board for Certification of Teacher Excellence (ABCTE) and verification of ability to work with children as demonstrated by sixty contact hours in any one of the following areas as validated by the school principal: sixty contact hours in the classroom, of which at least forty-five must be teaching; sixty contact hours as a substitute teacher, with at least thirty consecutive hours in the same classroom; sixty contact hours of teaching in a private school; or sixty contact hours of teaching as a paraprofessional, for an initial four-year ABCTE certificate of license to teach, except that such certificate shall not be granted for the areas of early childhood education, or special education. For certification in the area of elementary education, ninety contact hours in the classroom shall be required,

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of which at least thirty shall be in an elementary classroom. Upon the completion of the requirements listed in paragraphs (a), (b), (c), and (d) of this subdivision, an applicant shall be eligible to apply for a career continuous professional certificate under subdivision (3) of subsection 3 of this section:

(a) Completion of thirty contact hours of professional development within four years, which may include hours spent in class in an appropriate college curriculum;

(b) Validated completion of two years of the mentoring program of the American Board for Certification of Teacher Excellence or a district mentoring program approved by the state board of education;

(c) Attainment of a successful performance-based teacher evaluation; and

(d) Participation in a beginning teacher assistance program; or

(6) By the state board, under rules and regulations prescribed by it, which shall issue an initial visiting scholars certificate at the discretion of the board, based on the following criteria:

(a) Verification from the hiring school district that the applicant will be employed as part of a business-education partnership initiative designed to build career pathways systems for students in a grade or grades not lower than the ninth grade for which the applicant's academic degree or professional experience qualifies him or her;

(b) Appropriate and relevant bachelor's degree or higher, occupational license, or industry-recognized credential;

(c) Completion of the application for a one-year visiting scholars certificate; and

(d) Completion of a background check as prescribed under section 168.133.

The initial visiting scholars certificate shall certify the holder of such certificate to teach for one year. An applicant shall be eligible to renew an initial visiting scholars certificate a maximum of two times, based upon the completion of the requirements listed under paragraphs (a), (b), and (d) of this subdivision; completion of professional development required by the school district and school; and attainment of a satisfactory performance-based teacher evaluation.

2. All valid teaching certificates issued pursuant to law or state board policies and regulations prior to September 1, 1988, shall be exempt from the professional development requirements of this section and shall continue in effect until they expire, are revoked or suspended, as provided by law. When such certificates are required to be renewed, the state board or its designee shall grant to each holder of such a certificate the certificate most nearly equivalent to the one so held. Anyone who holds, as of August 28, 2003, a valid PC-I, PC-II, or continuous professional certificate shall, upon expiration of his or her current certificate, be issued the appropriate level of certificate based upon the classification system established pursuant to subsection 3 of this section.

3. (1) Certificates of license to teach in the public schools of the state shall be based upon minimum requirements prescribed by the state board of education which shall include completion of a background check as prescribed in section 168.133. The state board shall provide for the following levels of professional certification: an initial professional certificate and a career continuous professional certificate.

(2) The initial professional certificate shall be issued upon completion of requirements established by the state board of education and shall be valid based upon verification of actual teaching within a specified time period established by the state board of education. The state board shall require holders of the four-year initial professional certificate to:

(a) Participate in a mentoring program approved and provided by the district for a minimum of two years;

(b) Complete thirty contact hours of professional development, which may include hours spent in class in an appropriate college curriculum, or for holders of a certificate under subdivision (4) of

subsection 1 of this section, an amount of professional development in proportion to the certificate holder's hours in the classroom, if the certificate holder is employed less than full time; and

(c) Participate in a beginning teacher assistance program.

(3) (a) The career continuous professional certificate shall be issued upon verification of completion of four years of teaching under the initial professional certificate and upon verification of the completion of the requirements articulated in paragraphs (a), (b), and (c) of subdivision (2) of this subsection or paragraphs (a), (b), (c), and (d) of subdivision (5) of subsection 1 of this section.

(b) The career continuous professional certificate shall be continuous based upon verification of actual employment in an educational position as provided for in state board guidelines and completion of fifteen contact hours of professional development per year which may include hours spent in class in an appropriate college curriculum. Should the possessor of a valid career continuous professional certificate fail, in any given year, to meet the fifteen-hour professional development requirement, the possessor may, within two years, make up the missing hours. In order to make up for missing hours, the possessor shall first complete the fifteen-hour requirement for the current year and then may count hours in excess of the current year requirement as make-up hours. Should the possessor fail to make up the missing hours within two years, the certificate shall become inactive. In order to reactivate the certificate, the possessor shall complete twenty-four contact hours of professional development which may include hours spent in the classroom in an appropriate college curriculum within the six months prior to or after reactivating his or her certificate. The requirements of this paragraph shall be monitored and verified by the local school district which employs the holder of the career continuous professional certificate.

(c) A holder of a career continuous professional certificate shall be exempt from the professional development contact hour requirements of paragraph (b) of this subdivision if such teacher has a local professional development plan in place within such teacher's school district and meets two of the three following criteria:

- a. Has ten years of teaching experience as defined by the state board of education;
- b. Possesses a master's degree; or
- c. Obtains a rigorous national certification as approved by the state board of education.

4. Policies and procedures shall be established by which a teacher who was not retained due to a reduction in force may retain the current level of certification. There shall also be established policies and procedures allowing a teacher who has not been employed in an educational position for three years or more to reactivate his or her last level of certification by completing twenty-four contact hours of professional development which may include hours spent in the classroom in an appropriate college curriculum within the six months prior to or after reactivating his or her certificate.

5. The state board shall, upon completion of a background check as prescribed in section 168.133, issue a professional certificate classification in the areas most closely aligned with an applicant's current areas of certification, commensurate with the years of teaching experience of the applicant, to any person who is hired to teach in a public school in this state and who possesses a valid teaching certificate from another state or certification under subdivision (4) of subsection 1 of this section, provided that the certificate holder shall annually complete the state board's requirements for such level of certification, and shall establish policies by which residents of states other than the state of Missouri may be assessed a fee for a certificate of license to teach in the public schools of Missouri. Such fee shall be in an amount sufficient to recover any or all costs associated with the issuing of a certificate of license to teach. The board shall promulgate rules to authorize the issuance of a provisional certificate of license, which shall **be valid for three years and shall** allow the holder to assume classroom duties pending the completion of a criminal background check under section 168.133, for any applicant who:

- (1) Is the spouse of a member of the Armed Forces stationed in Missouri;
- (2) Relocated from another state within one year of the date of application;

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(3) Underwent a criminal background check in order to be issued a teaching certificate of license from another state; and

(4) Otherwise qualifies under this section.

6. The state board may assess to holders of an initial professional certificate a fee, to be deposited into the excellence in education revolving fund established pursuant to section 160.268, for the issuance of the career continuous professional certificate. However, such fee shall not exceed the combined costs of issuance and any criminal background check required as a condition of issuance. Applicants for the initial ABCTE certificate shall be responsible for any fees associated with the program leading to the issuance of the certificate, but nothing in this section shall prohibit a district from developing a policy that permits fee reimbursement.

7. Any member of the public school retirement system of Missouri who entered covered employment with ten or more years of educational experience in another state or states and held a certificate issued by another state and subsequently worked in a school district covered by the public school retirement system of Missouri for ten or more years who later became certificated in Missouri shall have that certificate dated back to his or her original date of employment in a Missouri public school.

8. Within thirty days of receiving an application from a spouse of an active duty member of the Armed Forces of the United States who has been transferred or is scheduled to be transferred to the state of Missouri, or who has been transferred or is scheduled to be transferred to an adjacent state and is or will be domiciled in the state of Missouri, or has moved to the state of Missouri on a permanent change-of-station basis and has successfully completed the background check described under subsection 5 of this section and section 168.133, the state board shall issue to such applicant a full certificate of license to teach, provided that the applicant has paid all necessary fees and has otherwise met all requirements to be issued such a certificate.

192.2305. OFFICE OF STATE OMBUDSMAN FOR LONG-TERM CARE FACILITY AND VETERANS' HOME RESIDENTS CREATED IN DEPARTMENT OF HEALTH AND SENIOR SERVICES — PURPOSE — POWERS AND DUTIES. — 1. There is hereby established within the department of health and senior services the "Office of State Ombudsman for Long-Term Care Facility Residents", for the purpose of helping to assure the adequacy of care received by residents of long-term care facilities **and Missouri veterans' homes as defined in section 42.002** and to improve the quality of life experienced by them, in accordance with the federal Older Americans Act, 42 U.S.C. Section 3001, et seq.

2. The office shall be administered by the state ombudsman, who shall devote his or her entire time to the duties of his or her position.

3. The office shall establish and implement procedures for receiving, processing, responding to, and resolving complaints made by or on behalf of residents of long-term care facilities **and Missouri veterans' homes** relating to action, inaction, or decisions of providers, or their representatives, of long-term care services, of public agencies or of social service agencies, which may adversely affect the health, safety, welfare or rights of such residents.

4. The department shall establish and implement procedures for resolution of complaints. The ombudsman or representatives of the office shall have the authority to:

(1) Enter any long-term care facility **or Missouri veterans' home** and have access to residents of the facility at a reasonable time and in a reasonable manner. The ombudsman shall have access to review resident records, if given permission by the resident or the resident's legal guardian. Residents of the facility shall have the right to request, deny, or terminate visits with an ombudsman;

(2) Make the necessary inquiries and review such information and records as the ombudsman or representative of the office deems necessary to accomplish the objective of verifying these complaints.

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Matter in bold-face type is proposed language.

5. The office shall acknowledge complaints, report its findings, make recommendations, gather and disseminate information and other material, and publicize its existence.

6. The ombudsman may recommend to the relevant governmental agency changes in the rules and regulations adopted or proposed by such governmental agency which do or may adversely affect the health, safety, welfare, or civil or human rights of any resident in a facility. The office shall analyze and monitor the development and implementation of federal, state and local laws, regulations and policies with respect to long-term care facilities, **Missouri veterans' homes**, and services in the state and shall recommend to the department changes in such laws, regulations and policies deemed by the office to be appropriate.

7. The office shall promote community contact and involvement with residents of facilities through the use of volunteers and volunteer programs directed by the regional ombudsman coordinators.

8. The office shall develop and establish by regulation of the department statewide policies and standards for implementing the activities of the ombudsman program, including the qualifications and the training of regional ombudsman coordinators and ombudsman volunteers.

9. The office shall develop and propose programs for use, training and coordination of volunteers in conjunction with the regional ombudsman coordinators and may:

(1) Establish and conduct recruitment programs for volunteers;

(2) Establish and conduct training seminars, meetings and other programs for volunteers; and

(3) Supply personnel, written materials and such other reasonable assistance, including publicizing their activities, as may be deemed necessary.

10. The regional ombudsman coordinators and ombudsman volunteers shall have the authority to report instances of abuse and neglect to the ombudsman hotline operated by the department.

11. If the regional ombudsman coordinator or volunteer finds that a nursing home administrator is not willing to work with the ombudsman program to resolve complaints, the state ombudsman shall be notified. The department shall establish procedures by rule in accordance with chapter 536 for implementation of this subsection.

12. The office shall prepare and distribute to each facility written notices which set forth the address and telephone number of the office, a brief explanation of the function of the office, the procedure to follow in filing a complaint and other pertinent information.

13. The administrator of each facility shall ensure that such written notice is given to every resident or the resident's guardian upon admission to the facility and to every person already in residence, or to his or her guardian. The administrator shall also post such written notice in a conspicuous, public place in the facility in the number and manner set forth in the regulations adopted by the department.

14. The office shall inform residents, their guardians or their families of their rights and entitlements under state and federal laws and rules and regulations by means of the distribution of educational materials and group meetings.

208.151. MEDICAL ASSISTANCE, PERSONS ELIGIBLE — RULEMAKING AUTHORITY — WAIVERS — MILITARY MEMBERS ELIGIBILITY, TEMPORARY SUSPENSION, WHEN. — 1. Medical assistance on behalf of needy persons shall be known as "MO HealthNet". For the purpose of paying MO HealthNet benefits and to comply with Title XIX, Public Law 89-97, 1965 amendments to the federal Social Security Act (42 U.S.C. Section 301, et seq.) as amended, the following needy persons shall be eligible to receive MO HealthNet benefits to the extent and in the manner hereinafter provided:

(1) All participants receiving state supplemental payments for the aged, blind and disabled;

(2) All participants receiving aid to families with dependent children benefits, including all persons under nineteen years of age who would be classified as dependent children except for the requirements of subdivision (1) of subsection 1 of section 208.040. Participants eligible under this subdivision who are participating in treatment court, as defined in section 478.001, shall have their eligibility

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Matter in bold-face type is proposed language.

automatically extended sixty days from the time their dependent child is removed from the custody of the participant, subject to approval of the Centers for Medicare and Medicaid Services;

(3) All participants receiving blind pension benefits;

(4) All persons who would be determined to be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits under the eligibility standards in effect December 31, 1973, or less restrictive standards as established by rule of the family support division, who are sixty-five years of age or over and are patients in state institutions for mental diseases or tuberculosis;

(5) All persons under the age of twenty-one years who would be eligible for aid to families with dependent children except for the requirements of subdivision (2) of subsection 1 of section 208.040, and who are residing in an intermediate care facility, or receiving active treatment as inpatients in psychiatric facilities or programs, as defined in 42 U.S.C. Section 1396d, as amended;

(6) All persons under the age of twenty-one years who would be eligible for aid to families with dependent children benefits except for the requirement of deprivation of parental support as provided for in subdivision (2) of subsection 1 of section 208.040;

(7) All persons eligible to receive nursing care benefits;

(8) All participants receiving family foster home or nonprofit private child-care institution care, subsidized adoption benefits and parental school care wherein state funds are used as partial or full payment for such care;

(9) All persons who were participants receiving old age assistance benefits, aid to the permanently and totally disabled, or aid to the blind benefits on December 31, 1973, and who continue to meet the eligibility requirements, except income, for these assistance categories, but who are no longer receiving such benefits because of the implementation of Title XVI of the federal Social Security Act, as amended;

(10) Pregnant women who meet the requirements for aid to families with dependent children, except for the existence of a dependent child in the home;

(11) Pregnant women who meet the requirements for aid to families with dependent children, except for the existence of a dependent child who is deprived of parental support as provided for in subdivision (2) of subsection 1 of section 208.040;

(12) Pregnant women or infants under one year of age, or both, whose family income does not exceed an income eligibility standard equal to one hundred eighty-five percent of the federal poverty level as established and amended by the federal Department of Health and Human Services, or its successor agency;

(13) Children who have attained one year of age but have not attained six years of age who are eligible for medical assistance under 6401 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989). The family support division shall use an income eligibility standard equal to one hundred thirty-three percent of the federal poverty level established by the Department of Health and Human Services, or its successor agency;

(14) Children who have attained six years of age but have not attained nineteen years of age. For children who have attained six years of age but have not attained nineteen years of age, the family support division shall use an income assessment methodology which provides for eligibility when family income is equal to or less than equal to one hundred percent of the federal poverty level established by the Department of Health and Human Services, or its successor agency. As necessary to provide MO HealthNet coverage under this subdivision, the department of social services may revise the state MO HealthNet plan to extend coverage under 42 U.S.C. Section 1396a(a)(10)(A)(i)(III) to children who have attained six years of age but have not attained nineteen years of age as permitted by paragraph (2) of subsection (n) of 42 U.S.C. Section 1396d using a more liberal income assessment methodology as authorized by paragraph (2) of subsection (r) of 42 U.S.C. Section 1396a;

(15) The family support division shall not establish a resource eligibility standard in assessing eligibility for persons under subdivision (12), (13) or (14) of this subsection. The MO HealthNet

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division shall define the amount and scope of benefits which are available to individuals eligible under each of the subdivisions (12), (13), and (14) of this subsection, in accordance with the requirements of federal law and regulations promulgated thereunder;

(16) Notwithstanding any other provisions of law to the contrary, ambulatory prenatal care shall be made available to pregnant women during a period of presumptive eligibility pursuant to 42 U.S.C. Section 1396r-1, as amended;

(17) A child born to a woman eligible for and receiving MO HealthNet benefits under this section on the date of the child's birth shall be deemed to have applied for MO HealthNet benefits and to have been found eligible for such assistance under such plan on the date of such birth and to remain eligible for such assistance for a period of time determined in accordance with applicable federal and state law and regulations so long as the child is a member of the woman's household and either the woman remains eligible for such assistance or for children born on or after January 1, 1991, the woman would remain eligible for such assistance if she were still pregnant. Upon notification of such child's birth, the family support division shall assign a MO HealthNet eligibility identification number to the child so that claims may be submitted and paid under such child's identification number;

(18) Pregnant women and children eligible for MO HealthNet benefits pursuant to subdivision (12), (13) or (14) of this subsection shall not as a condition of eligibility for MO HealthNet benefits be required to apply for aid to families with dependent children. The family support division shall utilize an application for eligibility for such persons which eliminates information requirements other than those necessary to apply for MO HealthNet benefits. The division shall provide such application forms to applicants whose preliminary income information indicates that they are ineligible for aid to families with dependent children. Applicants for MO HealthNet benefits under subdivision (12), (13) or (14) of this subsection shall be informed of the aid to families with dependent children program and that they are entitled to apply for such benefits. Any forms utilized by the family support division for assessing eligibility under this chapter shall be as simple as practicable;

(19) Subject to appropriations necessary to recruit and train such staff, the family support division shall provide one or more full-time, permanent eligibility specialists to process applications for MO HealthNet benefits at the site of a health care provider, if the health care provider requests the placement of such eligibility specialists and reimburses the division for the expenses including but not limited to salaries, benefits, travel, training, telephone, supplies, and equipment of such eligibility specialists. The division may provide a health care provider with a part-time or temporary eligibility specialist at the site of a health care provider if the health care provider requests the placement of such an eligibility specialist and reimburses the division for the expenses, including but not limited to the salary, benefits, travel, training, telephone, supplies, and equipment, of such an eligibility specialist. The division may seek to employ such eligibility specialists who are otherwise qualified for such positions and who are current or former welfare participants. The division may consider training such current or former welfare participants as eligibility specialists for this program;

(20) Pregnant women who are eligible for, have applied for and have received MO HealthNet benefits under subdivision (2), (10), (11) or (12) of this subsection shall continue to be considered eligible for all pregnancy-related and postpartum MO HealthNet benefits provided under section 208.152 until the end of the sixty-day period beginning on the last day of their pregnancy. Pregnant women receiving substance abuse treatment within sixty days of giving birth shall, subject to appropriations and any necessary federal approval, be eligible for MO HealthNet benefits for substance abuse treatment and mental health services for the treatment of substance abuse for no more than twelve additional months, as long as the woman remains adherent with treatment. The department of mental health and the department of social services shall seek any necessary waivers or state plan amendments from the Centers for Medicare and Medicaid Services and shall develop rules relating to treatment plan adherence. No later than fifteen months after receiving any necessary waiver, the department of mental

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health and the department of social services shall report to the house of representatives budget committee and the senate appropriations committee on the compliance with federal cost neutrality requirements;

(21) Case management services for pregnant women and young children at risk shall be a covered service. To the greatest extent possible, and in compliance with federal law and regulations, the department of health and senior services shall provide case management services to pregnant women by contract or agreement with the department of social services through local health departments organized under the provisions of chapter 192 or chapter 205 or a city health department operated under a city charter or a combined city-county health department or other department of health and senior services designees. To the greatest extent possible the department of social services and the department of health and senior services shall mutually coordinate all services for pregnant women and children with the crippled children's program, the prevention of intellectual disability and developmental disability program and the prenatal care program administered by the department of health and senior services. The department of social services shall by regulation establish the methodology for reimbursement for case management services provided by the department of health and senior services. For purposes of this section, the term "case management" shall mean those activities of local public health personnel to identify prospective MO HealthNet-eligible high-risk mothers and enroll them in the state's MO HealthNet program, refer them to local physicians or local health departments who provide prenatal care under physician protocol and who participate in the MO HealthNet program for prenatal care and to ensure that said high-risk mothers receive support from all private and public programs for which they are eligible and shall not include involvement in any MO HealthNet prepaid, case-managed programs;

(22) By January 1, 1988, the department of social services and the department of health and senior services shall study all significant aspects of presumptive eligibility for pregnant women and submit a joint report on the subject, including projected costs and the time needed for implementation, to the general assembly. The department of social services, at the direction of the general assembly, may implement presumptive eligibility by regulation promulgated pursuant to chapter 207;

(23) All participants who would be eligible for aid to families with dependent children benefits except for the requirements of paragraph (d) of subdivision (1) of section 208.150;

(24) (a) All persons who would be determined to be eligible for old age assistance benefits under the eligibility standards in effect December 31, 1973, as authorized by 42 U.S.C. Section 1396a(f), or less restrictive methodologies as contained in the MO HealthNet state plan as of January 1, 2005; except that, on or after July 1, 2005, less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), may be used to change the income limit if authorized by annual appropriation;

(b) All persons who would be determined to be eligible for aid to the blind benefits under the eligibility standards in effect December 31, 1973, as authorized by 42 U.S.C. Section 1396a(f), or less restrictive methodologies as contained in the MO HealthNet state plan as of January 1, 2005, except that less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), shall be used to raise the income limit to one hundred percent of the federal poverty level;

(c) All persons who would be determined to be eligible for permanent and total disability benefits under the eligibility standards in effect December 31, 1973, as authorized by 42 U.S.C. Section 1396a(f), or less restrictive methodologies as contained in the MO HealthNet state plan as of January 1, 2005; except that, on or after July 1, 2005, less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), may be used to change the income limit if authorized by annual appropriations. Eligibility standards for permanent and total disability benefits shall not be limited by age;

(25) Persons who have been diagnosed with breast or cervical cancer and who are eligible for coverage pursuant to 42 U.S.C. Section 1396a(a)(10)(A)(ii)(XVIII). Such persons shall be eligible during a period of presumptive eligibility in accordance with 42 U.S.C. Section 1396r-1;

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(26) Persons who are in foster care under the responsibility of the state of Missouri on the date such persons attained the age of eighteen years, or at any time during the thirty-day period preceding their eighteenth birthday, or persons who received foster care for at least six months in another state, are residing in Missouri, and are at least eighteen years of age, without regard to income or assets, if such persons:

- (a) Are under twenty-six years of age;
- (b) Are not eligible for coverage under another mandatory coverage group; and
- (c) Were covered by Medicaid while they were in foster care.

2. Rules and regulations to implement this section shall be promulgated in accordance with chapter 536. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.

3. After December 31, 1973, and before April 1, 1990, any family eligible for assistance pursuant to 42 U.S.C. Section 601, et seq., as amended, in at least three of the last six months immediately preceding the month in which such family became ineligible for such assistance because of increased income from employment shall, while a member of such family is employed, remain eligible for MO HealthNet benefits for four calendar months following the month in which such family would otherwise be determined to be ineligible for such assistance because of income and resource limitation. After April 1, 1990, any family receiving aid pursuant to 42 U.S.C. Section 601, et seq., as amended, in at least three of the six months immediately preceding the month in which such family becomes ineligible for such aid, because of hours of employment or income from employment of the caretaker relative, shall remain eligible for MO HealthNet benefits for six calendar months following the month of such ineligibility as long as such family includes a child as provided in 42 U.S.C. Section 1396r-6. Each family which has received such medical assistance during the entire six-month period described in this section and which meets reporting requirements and income tests established by the division and continues to include a child as provided in 42 U.S.C. Section 1396r-6 shall receive MO HealthNet benefits without fee for an additional six months. The MO HealthNet division may provide by rule and as authorized by annual appropriation the scope of MO HealthNet coverage to be granted to such families.

4. When any individual has been determined to be eligible for MO HealthNet benefits, such medical assistance will be made available to him or her for care and services furnished in or after the third month before the month in which he made application for such assistance if such individual was, or upon application would have been, eligible for such assistance at the time such care and services were furnished; provided, further, that such medical expenses remain unpaid.

5. The department of social services may apply to the federal Department of Health and Human Services for a MO HealthNet waiver amendment to the Section 1115 demonstration waiver or for any additional MO HealthNet waivers necessary not to exceed one million dollars in additional costs to the state, unless subject to appropriation or directed by statute, but in no event shall such waiver applications or amendments seek to waive the services of a rural health clinic or a federally qualified health center as defined in 42 U.S.C. Section 1396d(l)(1) and (2) or the payment requirements for such clinics and centers as provided in 42 U.S.C. Section 1396a(a)(15) and 1396a(bb) unless such waiver application is approved by the oversight committee created in section 208.955. A request for such a waiver so submitted shall only become effective by executive order not sooner than ninety days after the final adjournment of the session of the general assembly to which it is submitted, unless it is disapproved

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within sixty days of its submission to a regular session by a senate or house resolution adopted by a majority vote of the respective elected members thereof, unless the request for such a waiver is made subject to appropriation or directed by statute.

6. Notwithstanding any other provision of law to the contrary, in any given fiscal year, any persons made eligible for MO HealthNet benefits under subdivisions (1) to (22) of subsection 1 of this section shall only be eligible if annual appropriations are made for such eligibility. This subsection shall not apply to classes of individuals listed in 42 U.S.C. Section 1396a(a)(10)(A)(I).

7. (1) **Notwithstanding any provision of law to the contrary, a military service member, or an immediate family member residing with such military service member, who is a legal resident of this state and is eligible for MO HealthNet developmental disability services, shall have his or her eligibility for MO HealthNet developmental disability services temporarily suspended for any period of time during which such person temporarily resides outside of this state for reasons relating to military service, but shall have his or her eligibility immediately restored upon returning to this state to reside.**

(2) **Notwithstanding any provision of law to the contrary, if a military service member, or an immediate family member residing with such military service member, is not a legal resident of this state, but would otherwise be eligible for MO HealthNet developmental disability services, such individual shall be deemed eligible for MO HealthNet developmental disability services for the duration of any time in which such individual is temporarily present in this state for reasons relating to military service.**

209.150. RIGHTS OF PERSONS WITH DISABILITIES — SERVICE DOGS, NO EXTRA CHARGE FOR — LIABILITY FOR ACTUAL DAMAGES. — 1. Every person with a [visual, aural, or other] disability, [including diabetes,] as defined in section 213.010, shall have the same rights afforded to a person with no such disability to the full and free use of the streets, highways, sidewalks, walkways, public buildings, public facilities, and other public places.

2. Every person with a [visual, aural, or other] disability, [including diabetes,] as defined in section 213.010, is entitled to full and equal accommodations, advantages, facilities, and privileges of all common carriers, airplanes, motor vehicles, railroad trains, motor buses, taxis, streetcars, boats or any other public conveyances or modes of transportation, hotels, lodging places, places of public accommodation, amusement or resort, and other places to which the general public is invited, subject only to the conditions and limitations established by law and applicable alike to all persons.

3. Every person with a [visual, aural, or other] disability, [including diabetes,] as defined in section 213.010, shall have the right to be accompanied by a [guide dog, hearing dog, or] service dog **or dogs, as defined in section 209.200**, which is especially trained for the purpose, in any of the places listed in subsection 2 of this section without being required to pay an extra charge for the [guide dog, hearing dog, or] service dog **or dogs, as defined in section 209.200**; provided that such person shall be liable for any damage done to the premises or facilities by such dog.

4. As used in sections 209.150 to 209.190, the term "service dog" [means any dog specifically trained to assist a person with a physical or mental disability by performing necessary tasks or doing work which the person cannot perform. Such tasks shall include, but not be limited to, pulling a wheelchair, retrieving items, carrying supplies, and search and rescue of an individual with a disability] **shall have the same definition as in section 209.200.**

209.200. DEFINITIONS. — As used in sections [209.200] **209.150** to 209.204, not to exceed the provisions of the Americans With Disabilities Act, the following terms shall mean:

(1) "Disability", as defined in section 213.010 including diabetes;

(2) "Service dog", a dog that is being or has been [specially] **individually** trained to do work or perform tasks [which] **for the benefit [a particular person] of an individual** with a disability, **including a physical, sensory, psychiatric, intellectual, or other mental disability**. Service dog includes but is not limited to:

(a) "Guide dog", a dog that is being or has been specially trained to assist a particular blind or visually impaired person;

(b) "Hearing dog", a dog that is being or has been specially trained to assist a particular deaf or hearing-impaired person;

(c) "Medical alert or [respond] **response** dog", a dog that is being or has been trained to alert a person with a disability that a particular medical event is about to occur or to respond to a medical event that has occurred;

(d) **"Mental health service dog" or "psychiatric service dog", a dog individually trained for its owner who is diagnosed with a psychiatric disability, medical condition, or developmental disability recognized in the most recently published Diagnostic and Statistical Manual of Mental Disorders (DSM) to perform tasks that mitigate or assist with difficulties directly related to the owner's psychiatric disability, medical condition, or developmental disability;**

(e) "Mobility dog", a dog that is being or has been specially trained to assist a person with a disability caused by physical impairments;

[(e)] (f) "Professional therapy dog", a dog which is selected, trained, and tested to provide specific physical therapeutic functions, under the direction and control of a qualified handler who works with the dog as a team as a part of the handler's occupation or profession. Such dogs, with their handlers, perform such functions in institutional settings, community-based group settings, or when providing services to specific persons who have disabilities. Professional therapy dogs do not include dogs, certified or not, which are used by volunteers in visitation therapy;

[(f)] (g) "Search and rescue dog", a dog that is being or has been trained to search for or prevent a person with a mental disability, including but not limited to verbal and nonverbal autism, from becoming lost;

(3) "Service dog team", a team consisting of a trained service dog, a disabled person or child, and a person who is an adult and who has been trained to handle the service dog.

209.204. IMPERSONATING A PERSON WITH A DISABILITY FOR THE PURPOSE OF RECEIVING CERTAIN ACCOMMODATIONS, PENALTY, CIVIL LIABILITY — MISREPRESENTATION OF DOG AS SERVICE DOG, PENALTY, CIVIL LIABILITY — MISREPRESENTATION OF ANIMAL AS ASSISTANCE ANIMAL, PENALTY, CIVIL LIABILITY — PLACARD, BROCHURE. — 1. Any person who knowingly impersonates a person with a disability for the purpose of receiving the accommodations regarding service dogs under the Americans with Disabilities Act, 42 U.S.C. Section 12101, et seq., is guilty of a class C misdemeanor and shall also be civilly liable for the amount of any actual damages resulting from such impersonation. Any second or subsequent violation of this section is a class B misdemeanor. For purposes of this section, "impersonates a person with a disability" means a representation by word or action as a person with a disability [or a representation of a dog by word or action as a service dog].

2. No person shall knowingly misrepresent a dog as a service dog for the purpose of receiving the accommodations regarding service dogs under the Americans with Disabilities Act, 42 U.S.C. Section 12101, et seq. For purposes of this section, "misrepresent a dog as a service dog" means a representation by word or action that a dog has been trained as a service dog as defined in section 209.200. Misrepresentation of a service dog includes, but is not limited to:

(1) **Knowingly creating documents that falsely represent that a dog is a service dog;**

(2) Knowingly providing to another person documents falsely stating that a dog is a service dog;

(3) Knowingly fitting a dog, if the dog is not a service dog, with a harness, collar, vest, or sign of the type commonly used by a person with a disability to indicate a dog is a service dog; or

(4) Knowingly representing that a dog is a service dog if the dog has not completed training to perform disability-related tasks or do disability-related work for a person with a disability.

A person who violates this subsection is guilty of a class C misdemeanor and shall also be civilly liable for any actual damages resulting from such misrepresentation. Any second or subsequent violation of this subsection is a class B misdemeanor.

3. No person shall knowingly misrepresent any animal as an assistance animal for the purpose of receiving the accommodations regarding assistance animals under the Fair Housing Act, 42 U.S.C. Section 3601, et seq., or the Rehabilitation Act, 29 U.S.C. Section 701, et seq. For the purposes of this section an "assistance animal" is an animal that works, provides assistance, or performs tasks, or is being trained to work, provide assistance, or perform tasks, for the benefit of a person with a disability, or that provides emotional support that alleviates one or more identified effects of a person's disability. While dogs are the most common type of assistance animal, other animals can also be assistance animals. Misrepresentation of an assistance animal includes, but is not limited to:

(1) Knowingly creating documents that falsely represent that an animal is an assistance animal;

(2) Knowingly providing to another person documents falsely stating that an animal is an assistance animal;

(3) Knowingly fitting an animal, if the animal is not an assistance animal, with a harness, collar, vest, or sign of the type commonly used by a person with a disability to indicate an animal is an assistance animal; or

(4) Knowingly and intentionally misrepresenting a material fact to a health care provider for the purpose of obtaining documentation from the health care provider necessary to designate an animal as an assistance animal. All documentation for an assistance animal must be from a qualified professional as permitted under the Fair Housing Act, 42 U.S.C. Section 3601, et seq., or the Rehabilitation Act, 29 U.S.C. Section 701, et seq.

A person who violates this subsection is guilty of a class C misdemeanor and shall also be civilly liable for any actual damages resulting from such misrepresentation. Any second or subsequent violation of this subsection is a class B misdemeanor.

4. The governor's council on disability shall prepare and make available online a placard suitable for posting in a front window or door, stating that service dogs are welcome and that misrepresentation of a service dog is a violation of Missouri law, as well as a brochure detailing permissible questions as allowed by the Americans with Disabilities Act, a business owner may ask in order to determine whether a dog is a service dog, and guidelines defining unacceptable behavior.

5. The governor's council on disability shall prepare and make available online a brochure for landlords and tenants regarding laws relating to service dogs, assistance animals, and housing under federal and Missouri law.

210.109. CHILD PROTECTION SYSTEM ESTABLISHED BY CHILDREN'S DIVISION, DUTIES, RECORDS, INVESTIGATIONS OR ASSESSMENTS AND SERVICES — CENTRAL REGISTRY MAINTAINED.— 1. The children's division shall establish a child protection system for the entire state.

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2. The child protection system shall promote the safety of children and the integrity and preservation of their families by conducting investigations or family assessments and providing services in response to reports of child abuse or neglect. The system shall coordinate community resources and provide assistance or services to children and families identified to be at risk, and to prevent and remedy child abuse and neglect.

3. In addition to any duties specified in section 210.145, in implementing the child protection system, the division shall:

- (1) Maintain a central registry;
- (2) Receive reports and establish and maintain an information system operating at all times, capable of receiving and maintaining reports;
- (3) Attempt to obtain the name and address of any person making a report in all cases, after obtaining relevant information regarding the alleged abuse or neglect, although reports may be made anonymously; except that, reports by mandatory reporters under section 210.115, including employees of the children's division, juvenile officers, and school personnel shall not be made anonymously, provided that the reporter shall be informed, at the time of the report, that the reporter's name and any other personally identifiable information shall be held as confidential and shall not be made public as provided under this section and section 211.319;
- (4) Upon receipt of a report, check with the information system to determine whether previous reports have been made regarding actual or suspected abuse or neglect of the subject child, of any siblings, and the perpetrator, and relevant dispositional information regarding such previous reports;
- (5) Provide protective or preventive services to the family and child and to others in the home to prevent abuse or neglect, to safeguard their health and welfare, and to help preserve and stabilize the family whenever possible. The juvenile court shall cooperate with the division in providing such services;
- (6) Collaborate with the community to identify comprehensive local services and assure access to those services for children and families where there is risk of abuse or neglect;
- (7) Maintain a record which contains the facts ascertained which support the determination as well as the facts that do not support the determination;
- (8) Whenever available and appropriate, contract for the provision of children's services through children's services providers and agencies in the community; except that the state shall be the sole provider of child abuse and neglect hotline services, the initial child abuse and neglect investigation, and the initial family assessment. The division shall attempt to seek input from child welfare service providers in completing the initial family assessment. In all legal proceedings involving children in the custody of the division, the division shall be represented in court by either division personnel or persons with whom the division contracts with for such legal representation. All children's services providers and agencies shall be subject to criminal background checks pursuant to chapter 43 and shall submit names of all employees to the family care safety registry; **and**
- (9) **Upon receipt of a report, attempt to ascertain whether the suspected perpetrator or any person responsible for the care, custody, and control of the subject child is a member of any branch of the military, as defined under section 40.005.**

As used in this subsection, "report" includes any telephone call made pursuant to section 210.145.

210.150. CONFIDENTIALITY OF REPORTS AND RECORDS, EXCEPTIONS — VIOLATIONS, PENALTY. — 1. The children's division shall ensure the confidentiality of all reports and records made pursuant to sections 210.109 to 210.183 and maintained by the division, its local offices, the central registry, and other appropriate persons, officials, and institutions pursuant to sections 210.109 to 210.183. To protect the rights of the family and the child named in the report as a victim, the children's

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division shall establish guidelines which will ensure that any disclosure of information concerning the abuse and neglect involving that child is made only to persons or agencies that have a right to such information. The division may require persons to make written requests for access to records maintained by the division. The division shall only release information to persons who have a right to such information. The division shall notify persons receiving information pursuant to subdivisions (2), (7), (8) and (9) of subsection 2 of this section of the purpose for which the information is released and of the penalties for unauthorized dissemination of information. Such information shall be used only for the purpose for which the information is released.

2. Only the following persons shall have access to investigation records contained in the central registry:

(1) Appropriate federal, state or local criminal justice agency personnel, or any agent of such entity, with a need for such information under the law to protect children from abuse or neglect;

(2) A physician or a designated agent who reasonably believes that the child being examined may be abused or neglected;

(3) Appropriate staff of the division and of its local offices, including interdisciplinary teams which are formed to assist the division in investigation, evaluation and treatment of child abuse and neglect cases or a multidisciplinary provider of professional treatment services for a child referred to the provider;

(4) Any child named in the report as a victim, or a legal representative, or the parent, if not the alleged perpetrator, or guardian of such person when such person is a minor, or is mentally ill or otherwise incompetent, but the names of reporters shall not be furnished to persons in this category. Prior to the release of any identifying information, the division shall determine if the release of such identifying information may place a person's life or safety in danger. If the division makes the determination that a person's life or safety may be in danger, the identifying information shall not be released. The division shall provide a method for confirming or certifying that a designee is acting on behalf of a subject;

(5) Any alleged perpetrator named in the report, but the names of reporters shall not be furnished to persons in this category. Prior to the release of any identifying information, the division shall determine if the release of such identifying information may place a person's life or safety in danger. If the division makes the determination that a person's life or safety may be in danger, the identifying information shall not be released. However, the investigation reports will not be released to any alleged perpetrator with pending criminal charges arising out of the facts and circumstances named in the investigation records until an indictment is returned or an information filed;

(6) A grand jury, juvenile officer, prosecuting attorney, law enforcement officer involved in the investigation of child abuse or neglect, juvenile court or other court conducting abuse or neglect or child protective proceedings or child custody proceedings, and other federal, state and local government entities, or any agent of such entity, with a need for such information in order to carry out its responsibilities under the law to protect children from abuse or neglect;

(7) Any person engaged in a bona fide research purpose, with the permission of the director; provided, however, that no information identifying the child named in the report as a victim or the reporters shall be made available to the researcher, unless the identifying information is essential to the research or evaluation and the child named in the report as a victim or, if the child is less than eighteen years of age, through the child's parent, or guardian provides written permission;

(8) Any child-care facility; child-placing agency; residential-care facility, including group homes; juvenile courts; public or private elementary schools; public or private secondary schools; or any other public or private agency exercising temporary supervision over a child or providing or having care or custody of a child who may request an examination of the central registry from the division for all employees and volunteers or prospective employees and volunteers, who do or will provide services or

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care to children. Any agency or business recognized by the division or business which provides training and places or recommends people for employment or for volunteers in positions where they will provide services or care to children may request the division to provide an examination of the central registry. Such agency or business shall provide verification of its status as a recognized agency. Requests for examinations shall be made to the division director or the director's designee in writing by the chief administrative officer of the above homes, centers, public and private elementary schools, public and private secondary schools, agencies, or courts. The division shall respond in writing to that officer. The response shall include information pertaining to the nature and disposition of any report or reports of abuse or neglect revealed by the examination of the central registry. This response shall not include any identifying information regarding any person other than the alleged perpetrator of the abuse or neglect;

(9) Any parent or legal guardian who inquires about a child abuse or neglect report involving a specific person or child-care facility who does or may provide services or care to a child of the person requesting the information. Request for examinations shall be made to the division director or the director's designee, in writing, by the parent or legal guardian of the child and shall be accompanied with a signed and notarized release form from the person who does or may provide care or services to the child. The notarized release form shall include the full name, date of birth and Social Security number of the person who does or may provide care or services to a child. The response shall include information pertaining to the nature and disposition of any report or reports of abuse or neglect revealed by the examination of the central registry. This response shall not include any identifying information regarding any person other than the alleged perpetrator of the abuse or neglect. The response shall be given within ten working days of the time it was received by the division;

(10) Any person who inquires about a child abuse or neglect report involving a specific child-care facility, child-placing agency, residential-care facility, public and private elementary schools, public and private secondary schools, juvenile court or other state agency. The information available to these persons is limited to the nature and disposition of any report contained in the central registry and shall not include any identifying information pertaining to any person mentioned in the report;

(11) Any state agency acting pursuant to statutes regarding a license of any person, institution, or agency which provides care for or services to children;

(12) Any child fatality review panel established pursuant to section 210.192 or any state child fatality review panel established pursuant to section 210.195;

(13) Any person who is a tenure-track or full-time research faculty member at an accredited institution of higher education engaged in scholarly research, with the permission of the director. Prior to the release of any identifying information, the director shall require the researcher to present a plan for maintaining the confidentiality of the identifying information. The researcher shall be prohibited from releasing the identifying information of individual cases; **and**

(14) Appropriate staff of the United States Department of Defense including, but not limited to, authorized family advocacy program staff or any other staff authorized to receive and respond to reports requested under 10 U.S.C. Section 1787, in cases where a report has been made and the suspected perpetrator or any person responsible for the care, custody, and control of the subject child is a member of any branch of the military.

3. Only the following persons shall have access to records maintained by the division pursuant to section 210.152 for which the division has received a report of child abuse and neglect and which the division has determined that there is insufficient evidence or in which the division proceeded with the family assessment and services approach:

(1) Appropriate staff of the division;

(2) Any child named in the report as a victim, or a legal representative, or the parent or guardian of such person when such person is a minor, or is mentally ill or otherwise incompetent. The names or other identifying information of reporters shall not be furnished to persons in this category. Prior to the

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release of any identifying information, the division shall determine if the release of such identifying information may place a person's life or safety in danger. If the division makes the determination that a person's life or safety may be in danger, the identifying information shall not be released. The division shall provide for a method for confirming or certifying that a designee is acting on behalf of a subject;

(3) Any alleged perpetrator named in the report, but the names of reporters shall not be furnished to persons in this category. Prior to the release of any identifying information, the division shall determine if the release of such identifying information may place a person's life or safety in danger. If the division makes the determination that a person's life or safety may be in danger, the identifying information shall not be released. However, the investigation reports will not be released to any alleged perpetrator with pending criminal charges arising out of the facts and circumstances named in the investigation records until an indictment is returned or an information filed;

(4) Any child fatality review panel established pursuant to section 210.192 or any state child fatality review panel established pursuant to section 210.195;

(5) Appropriate criminal justice agency personnel or juvenile officer;

(6) Multidisciplinary agency or individual including a physician or physician's designee who is providing services to the child or family, with the consent of the parent or guardian of the child or legal representative of the child;

(7) Any person engaged in bona fide research purpose, with the permission of the director; provided, however, that no information identifying the subjects of the reports or the reporters shall be made available to the researcher, unless the identifying information is essential to the research or evaluation and the subject, or if a child, through the child's parent or guardian, provides written permission; and

(8) Appropriate staff of the United States Department of Defense including, but not limited to, authorized family advocacy program staff or any other staff authorized to receive and respond to reports requested under 10 U.S.C. Section 1787, in cases where a report has been made and the suspected perpetrator or any person responsible for the care, custody, and control of the subject child is a member of any branch of the military.

4. Any person who knowingly violates the provisions of this section, or who permits or encourages the unauthorized dissemination of information contained in the information system or the central registry and in reports and records made pursuant to sections 210.109 to 210.183, shall be guilty of a class A misdemeanor.

5. Nothing in this section shall preclude the release of findings or information about cases which resulted in a child fatality or near fatality. Such release is at the sole discretion of the director of the department of social services, based upon a review of the potential harm to other children within the immediate family.

6. Notwithstanding any provisions of this section or chapter 210 to the contrary, if the division receives a report and ascertains that a suspected perpetrator or any person responsible for the care, custody, and control of the subject child is a member of any branch of the military, the division shall report its findings to the most relevant family advocacy program authorized by the United States Department of Defense or any other relevant person authorized by the United States Department of Defense to receive reports under 10 U.S.C. Section 1787.

301.451. PURPLE HEART MEDAL, SPECIAL LICENSE PLATES. — (1) Any person who has been awarded the purple heart medal may apply for special motor vehicle license plates for any vehicle he or she owns, either solely or jointly, other than commercial vehicles weighing over twenty-four thousand pounds.

(2) Any such person shall make application for the special license plates on a form provided by the director of revenue and furnish such proof as a recipient of the purple heart medal as the director may

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require. The director shall then issue license plates bearing letters or numbers or a combination thereof, with the words "PURPLE HEART" in place of the words "SHOW-ME STATE" in a form prescribed by the advisory committee established in section 301.129.

(3) Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.

(4) There shall be no fee **charged for the first set of license plates issued to an eligible person under this section. A second or subsequent set of license plates issued to the eligible person under this section shall be subject to regular registration fees but not to any fee in addition to regular registration fees [for the purple heart license plates issued to the applicant].**

(5) There shall be no limit on the number of license plates any person qualified under this section may obtain so long as each set of license plates issued under this section is issued for vehicles owned solely or jointly by such person.

(6) License plates issued under the provisions of this section shall not be transferable to any other person, except that, **in the event of the death of the qualified person**, any registered co-owner of the motor vehicle shall be entitled to [operate the motor vehicle for the duration of the year licensed in the event of the death of the qualified person] **use and renew the license plates until he or she remarries or, if he or she does not remarry, for the remainder of his or her life.**

301.3069. CENTRAL MISSOURI HONOR FLIGHT SPECIAL LICENSE PLATE — APPLICATION, PROCEDURE, FEE. — 1. Any Missouri resident may receive special license plates as prescribed in this section after an annual payment of an emblem-use authorization fee to Central Missouri Honor Flight. Central Missouri Honor Flight hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section for any vehicle the person owns, either solely or jointly, other than an apportioned motor vehicle or commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight. Any contribution to Central Missouri Honor Flight derived from this section, except reasonable administrative costs, shall be used solely for financial assistance to transport veterans to Washington D.C. to view various veteran memorials. Any Missouri resident may annually apply to Central Missouri Honor Flight for the use of the emblem.

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to Central Missouri Honor Flight, the organization shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the vehicle owner to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement and payment of the fee required for personalized license plates in section 301.144, and other fees and documents which may be required by law, the department of revenue shall issue personalized license plates, which shall bear the emblem of Central Missouri Honor Flight, to the vehicle owner.

3. The license plate or plates authorized by this section shall be of a design submitted by Central Missouri Honor Flight and approved by the department, shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. The bidding process used to select a vendor for the material to manufacture the license plates authorized by this section shall consider the aesthetic appearance of the plates.

4. A vehicle owner who was previously issued plates with the Central Missouri Honor Flight emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration shall be issued new plates which do not bear the

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Central Missouri Honor Flight emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the enforcement of this section and shall design all necessary forms required by this section.

301.3159. MERITORIOUS SERVICE SPECIAL LICENSE PLATE — APPLICATION, PROCEDURE, FEE. — Any person who has been awarded the military service award known as the meritorious service medal may apply for special motor vehicle license plates for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight. Any such person shall make application for the special license plates on a form provided by the director of revenue and furnish such proof as a recipient of the meritorious service medal as the director may require. The director shall then issue license plates bearing letters or numbers or a combination thereof as determined by the advisory committee established in section 301.129, with the words "MERITORIOUS SERVICE" in place of the words "SHOW-ME STATE". Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Such plates shall also bear an image of the meritorious service medal. There shall be an additional fee charged for each set of meritorious service license plates issued under this section equal to the fee charged for personalized license plates. There shall be no limit on the number of license plates any person qualified under this section may obtain so long as each set of license plates issued under this section is issued for vehicles owned solely or jointly by such person. License plates issued under the provisions of this section shall not be transferable to any other person except that any registered co-owner of the motor vehicle shall be entitled to operate the motor vehicle with such plates for the duration of the year licensed in the event of the death of the qualified person.

571.104. SUSPENSION OR REVOCATION OF ENDORSEMENTS AND PERMITS, WHEN — RENEWAL PROCEDURES — change of name or residence notification requirements — active military members, two-month renewal period. — 1. A concealed carry endorsement issued prior to August 28, 2013, shall be suspended or revoked if the concealed carry endorsement holder becomes ineligible for such endorsement under the criteria established in subdivisions (3), (4), (5), (8), and (11) of subsection 2 of section 571.101 or upon the issuance of a valid full order of protection. The following procedures shall be followed:

(1) When a valid full order of protection, or any arrest warrant, discharge, or commitment for the reasons listed in subdivision (3), (4), (5), (8), or (11) of subsection 2 of section 571.101, is issued against a person holding a concealed carry endorsement issued prior to August 28, 2013, upon notification of said order, warrant, discharge or commitment or upon an order of a court of competent jurisdiction in a criminal proceeding, a commitment proceeding or a full order of protection proceeding ruling that a person holding a concealed carry endorsement presents a risk of harm to themselves or others, then upon notification of such order, the holder of the concealed carry endorsement shall surrender the driver's license or nondriver's license containing the concealed carry endorsement to the court, officer, or other official serving the order, warrant, discharge, or commitment. The official to whom the driver's license or nondriver's license containing the concealed carry endorsement is surrendered shall issue a receipt to the licensee for the license upon a form, approved by the director of revenue, that serves as a driver's license or a nondriver's license and clearly states the concealed carry endorsement has been suspended. The official shall then transmit the driver's license or a nondriver's license containing the concealed carry endorsement to the circuit court of the county issuing the order, warrant, discharge, or

commitment. The concealed carry endorsement issued prior to August 28, 2013, shall be suspended until the order is terminated or until the arrest results in a dismissal of all charges. The official to whom the endorsement is surrendered shall administratively suspend the endorsement in the concealed carry permit system established under subsection 5 of section 650.350 until such time as the order is terminated or until the charges are dismissed. Upon dismissal, the court holding the driver's license or nondriver's license containing the concealed carry endorsement shall return such license to the individual, and the official to whom the endorsement was surrendered shall administratively return the endorsement to good standing within the concealed carry permit system.

(2) Any conviction, discharge, or commitment specified in sections 571.101 to 571.121 shall result in a revocation. Upon conviction, the court shall forward a notice of conviction or action and the driver's license or nondriver's license with the concealed carry endorsement to the department of revenue. The department of revenue shall notify the sheriff of the county which issued the certificate of qualification for a concealed carry endorsement. The sheriff who issued the certificate of qualification prior to August 28, 2013, shall report the change in status of the endorsement to the concealed carry permit system established under subsection 5 of section 650.350. The director of revenue shall immediately remove the endorsement issued prior to August 28, 2013, from the individual's driving record within three days of the receipt of the notice from the court. The director of revenue shall notify the licensee that he or she must apply for a new license pursuant to chapter 302 which does not contain such endorsement. This requirement does not affect the driving privileges of the licensee. The notice issued by the department of revenue shall be mailed to the last known address shown on the individual's driving record. The notice is deemed received three days after mailing.

2. A concealed carry permit issued pursuant to sections 571.101 to 571.121 after August 28, 2013, shall be suspended or revoked if the concealed carry permit holder becomes ineligible for such permit or endorsement under the criteria established in subdivisions (3), (4), (5), (8), and (11) of subsection 2 of section 571.101 or upon the issuance of a valid full order of protection. The following procedures shall be followed:

(1) When a valid full order of protection or any arrest warrant, discharge, or commitment for the reasons listed in subdivision (3), (4), (5), (8), or (11) of subsection 2 of section 571.101 is issued against a person holding a concealed carry permit, upon notification of said order, warrant, discharge, or commitment or upon an order of a court of competent jurisdiction in a criminal proceeding, a commitment proceeding, or a full order of protection proceeding ruling that a person holding a concealed carry permit presents a risk of harm to themselves or others, then upon notification of such order, the holder of the concealed carry permit shall surrender the permit to the court, officer, or other official serving the order, warrant, discharge, or commitment. The permit shall be suspended until the order is terminated or until the arrest results in a dismissal of all charges. The official to whom the permit is surrendered shall administratively suspend the permit in the concealed carry permit system until the order is terminated or the charges are dismissed. Upon dismissal, the court holding the permit shall return such permit to the individual and the official to whom the permit was surrendered shall administratively return the permit to good standing within the concealed carry permit system;

(2) Any conviction, discharge, or commitment specified in sections 571.101 to 571.121 shall result in a revocation. Upon conviction, the court shall forward a notice of conviction or action and the permit to the issuing county sheriff. The sheriff who issued the concealed carry permit shall report the change in status of the concealed carry permit to the concealed carry permit system.

3. A concealed carry permit shall be renewed for a qualified applicant upon receipt of the properly completed renewal application and the required renewal fee by the sheriff of the county of the applicant's residence. The renewal application shall contain the same required information as set forth in subsection 3 of section 571.101, except that in lieu of the fingerprint requirement of subsection 5 of section 571.101

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and the firearms safety training, the applicant need only display his or her current concealed carry permit. A name-based inquiry of the National Instant Criminal Background Check System shall be completed for each renewal application. The sheriff shall review the results of the report from the National Instant Criminal Background Check System, and when the sheriff has determined the applicant has successfully completed all renewal requirements and is not disqualified under any provision of section 571.101, the sheriff shall issue a new concealed carry permit which contains the date such permit was renewed. The process for renewing a concealed carry endorsement issued prior to August 28, 2013, shall be the same as the process for renewing a permit, except that in lieu of the fingerprint requirement of subsection 5 of section 571.101 and the firearms safety training, the applicant need only display his or her current driver's license or nondriver's license containing an endorsement. Upon successful completion of all renewal requirements, the sheriff shall issue a new concealed carry permit as provided under this subsection.

4. A person who has been issued a concealed carry permit, or a certificate of qualification for a concealed carry endorsement prior to August 28, 2013, who fails to file a renewal application for a concealed carry permit on or before its expiration date must pay an additional late fee of ten dollars per month for each month it is expired for up to six months. After six months, the sheriff who issued the expired concealed carry permit or certificate of qualification shall notify the concealed carry permit system that such permit is expired and cancelled. If the person has a concealed carry endorsement issued prior to August 28, 2013, the sheriff who issued the certificate of qualification for the endorsement shall notify the director of revenue that such certificate is expired regardless of whether the endorsement holder has applied for a concealed carry permit under subsection 3 of this section. The director of revenue shall immediately remove such endorsement from the individual's driving record and notify the individual that his or her driver's license or nondriver's license has expired. The notice shall be conducted in the same manner as described in subsection 1 of this section. Any person who has been issued a concealed carry permit pursuant to sections 571.101 to 571.121, or a concealed carry endorsement issued prior to August 28, 2013, who fails to renew his or her application within the six-month period must reapply for a new concealed carry permit and pay the fee for a new application.

5. Any person issued a concealed carry permit pursuant to sections 571.101 to 571.121, or a concealed carry endorsement issued prior to August 28, 2013, shall notify the sheriff of the new jurisdiction of the permit or endorsement holder's change of residence within thirty days after the changing of a permanent residence to a location outside the county of permit issuance. The permit or endorsement holder shall furnish proof to the sheriff in the new jurisdiction that the permit or endorsement holder has changed his or her residence. The sheriff in the new jurisdiction shall notify the sheriff in the old jurisdiction of the permit holder's change of address and the sheriff in the old jurisdiction shall transfer any information on file for the permit holder to the sheriff in the new jurisdiction within thirty days. The sheriff of the new jurisdiction may charge a processing fee of not more than ten dollars for any costs associated with notification of a change in residence. The sheriff shall report the residence change to the concealed carry permit system, take possession and destroy the old permit, and then issue a new permit to the permit holder. The new address shall be accessible by the concealed carry permit system within three days of receipt of the information. If the person has a concealed carry endorsement issued prior to August 28, 2013, the endorsement holder shall also furnish proof to the department of revenue of his or her residence change. In such cases, the change of residence shall be made by the department of revenue onto the individual's driving record.

6. Any person issued a concealed carry permit pursuant to sections 571.101 to 571.121, or a concealed carry endorsement issued prior to August 28, 2013, shall notify the sheriff or his or her designee of the permit or endorsement holder's county or city of residence within seven days after actual knowledge of the loss or destruction of his or her permit or driver's license or nondriver's license

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containing a concealed carry endorsement. The permit or endorsement holder shall furnish a statement to the sheriff that the permit or driver's license or nondriver's license containing the concealed carry endorsement has been lost or destroyed. After notification of the loss or destruction of a permit or driver's license or nondriver's license containing a concealed carry endorsement, the sheriff may charge a processing fee of ten dollars for costs associated with replacing a lost or destroyed permit or driver's license or nondriver's license containing a concealed carry endorsement and shall reissue a new concealed carry permit within three working days of being notified by the concealed carry permit or endorsement holder of its loss or destruction. The new concealed carry permit shall contain the same personal information, including expiration date, as the original concealed carry permit.

7. If a person issued a concealed carry permit, or endorsement issued prior to August 28, 2013, changes his or her name, the person to whom the permit or endorsement was issued shall obtain a corrected or new concealed carry permit with a change of name from the sheriff who issued the original concealed carry permit or the original certificate of qualification for an endorsement upon the sheriff's verification of the name change. The sheriff may charge a processing fee of not more than ten dollars for any costs associated with obtaining a corrected or new concealed carry permit. The permit or endorsement holder shall furnish proof of the name change to the sheriff within thirty days of changing his or her name and display his or her concealed carry permit or current driver's license or nondriver's license containing a concealed carry endorsement. The sheriff shall report the name change to the concealed carry permit system, and the new name shall be accessible by the concealed carry permit system within three days of receipt of the information.

8. The person with a concealed carry permit, or endorsement issued prior to August 28, 2013, shall notify the sheriff of a name or address change within thirty days of the change. A concealed carry permit and, if applicable, endorsement shall be automatically invalid after one hundred eighty days if the permit or endorsement holder has changed his or her name or changed his or her residence and not notified the sheriff as required in subsections 5 and 7 of this section. The sheriff shall assess a late penalty of ten dollars per month for each month, up to six months and not to exceed sixty dollars, for the failure to notify the sheriff of the change of name or address within thirty days.

9. **(1) As used in this subsection, the term "active military member" means any person who is on active duty in the United States Armed Forces, on active state duty, on full-time National Guard duty under Title 32 of the United States Code.**

(2) Notwithstanding any provision of this section to the contrary, if a concealed carry permit, or endorsement issued prior to August 28, 2013, expires while the person issued the permit or endorsement is **[on] an active [duty in the Armed Forces, on active state duty, full-time National Guard duty under Title 32, or active duty under Title 10 with the National Guard, or is physically incapacitated due to an injury incurred while in the services of the National Guard or Armed Forces]** **military member**, the permit shall be renewed if the person completes the renewal requirements under subsection 3 of this section within two months of returning to Missouri after discharge from such duty or recovery from such incapacitation. Once the two-month period has expired, the provisions of subsection 4 of this section shall apply except the penalties shall begin to accrue upon the expiration of the two-month period described in this subsection rather than on the expiration date of the permit or endorsement.

(3) Beginning August 28, 2020, an active military member may complete the renewal of his or her endorsement or permit under subdivision (2) of this section by mail. To renew an endorsement or permit by mail, an active military member shall mail to the sheriff who issued his or her permit a renewal application, a copy of his or her current concealed carry permit, a military identification acceptable for in-person renewal of permits, and the renewal fee. The active military member may pick up the renewed permit in person or may request the permit be mailed to a provided address by certified mail. The sheriff may require the active military

member to pay the postage and insurance costs associated with mailing the permit, but the costs shall not exceed ten dollars.

Approved July 14, 2020

HCS SB 676

Enacts provisions relating to taxation.

AN ACT to repeal sections 137.115, 137.385, 138.060, 138.090, 143.121, 143.171, and 143.991, RSMo, and to enact in lieu thereof eight new sections relating to taxation.

SECTION

- A Enacting clause.
- 137.115 Real and personal property, assessment — classes of property, assessment — physical inspection required, when, procedure — opt-out provision — mine property assessment.
- 137.385 Appeal from assessment — form — time for filing.
- 138.060 Appeals from assessor's valuation, no presumption that valuation is correct, burden of proof in certain counties — erroneous assessments.
- 138.090 Meetings of board (first class counties).
- 143.121 Missouri adjusted gross income.
- 143.171 Federal income tax deduction, amount, corporate and individual taxpayers.
- 143.425 Federal adjustments due to audit, IRS actions, or amended federal tax returns — definitions — reporting requirements — audited partnerships, duties — additional taxes assessed, when — estimated payments — rulemaking authority.
- 143.991 Armed Forces relief provision — Christopher J. Bosche memorial act.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Sections 137.115, 137.385, 138.060, 138.090, 143.121, 143.171, and 143.991, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as sections 137.115, 137.385, 138.060, 138.090, 143.121, 143.171, 143.425, and 143.991, to read as follows:

137.115. REAL AND PERSONAL PROPERTY, ASSESSMENT — CLASSES OF PROPERTY, ASSESSMENT — PHYSICAL INSPECTION REQUIRED, WHEN, PROCEDURE — OPT-OUT PROVISION — MINE PROPERTY ASSESSMENT. — 1. All other laws to the contrary notwithstanding, the assessor or the assessor's deputies in all counties of this state including the City of St. Louis shall annually make a list of all real and tangible personal property taxable in the assessor's city, county, town or district. Except as otherwise provided in subsection 3 of this section and section 137.078, the assessor shall annually assess all personal property at thirty-three and one-third percent of its true value in money as of January first of each calendar year. The assessor shall annually assess all real property, including any new construction and improvements to real property, and possessory interests in real property at the percent of its true value in money set in subsection 5 of this section. The true value in money of any possessory interest in real property in subclass (3), where such real property is on or lies within the ultimate airport boundary as shown by a federal airport layout plan, as defined by 14 CFR 151.5, of a

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commercial airport having a FAR Part 139 certification and owned by a political subdivision, shall be the otherwise applicable true value in money of any such possessory interest in real property, less the total dollar amount of costs paid by a party, other than the political subdivision, towards any new construction or improvements on such real property completed after January 1, 2008, and which are included in the above-mentioned possessory interest, regardless of the year in which such costs were incurred or whether such costs were considered in any prior year. The assessor shall annually assess all real property in the following manner: new assessed values shall be determined as of January first of each odd-numbered year and shall be entered in the assessor's books; those same assessed values shall apply in the following even-numbered year, except for new construction and property improvements which shall be valued as though they had been completed as of January first of the preceding odd-numbered year. The assessor may call at the office, place of doing business, or residence of each person required by this chapter to list property, and require the person to make a correct statement of all taxable tangible personal property owned by the person or under his or her care, charge or management, taxable in the county. On or before January first of each even-numbered year, the assessor shall prepare and submit a two-year assessment maintenance plan to the county governing body and the state tax commission for their respective approval or modification. The county governing body shall approve and forward such plan or its alternative to the plan to the state tax commission by February first. If the county governing body fails to forward the plan or its alternative to the plan to the state tax commission by February first, the assessor's plan shall be considered approved by the county governing body. If the state tax commission fails to approve a plan and if the state tax commission and the assessor and the governing body of the county involved are unable to resolve the differences, in order to receive state cost-share funds outlined in section 137.750, the county or the assessor shall petition the administrative hearing commission, by May first, to decide all matters in dispute regarding the assessment maintenance plan. Upon agreement of the parties, the matter may be stayed while the parties proceed with mediation or arbitration upon terms agreed to by the parties. The final decision of the administrative hearing commission shall be subject to judicial review in the circuit court of the county involved. In the event a valuation of subclass (1) real property within any county with a charter form of government, or within a city not within a county, is made by a computer, computer-assisted method or a computer program, the burden of proof, supported by clear, convincing and cogent evidence to sustain such valuation, shall be on the assessor at any hearing or appeal. In any such county, unless the assessor proves otherwise, there shall be a presumption that the assessment was made by a computer, computer-assisted method or a computer program. Such evidence shall include, but shall not be limited to, the following:

(1) The findings of the assessor based on an appraisal of the property by generally accepted appraisal techniques; and

(2) The purchase prices from sales of at least three comparable properties and the address or location thereof. As used in this subdivision, the word "comparable" means that:

(a) Such sale was closed at a date relevant to the property valuation; and

(b) Such properties are not more than one mile from the site of the disputed property, except where no similar properties exist within one mile of the disputed property, the nearest comparable property shall be used. Such property shall be within five hundred square feet in size of the disputed property, and resemble the disputed property in age, floor plan, number of rooms, and other relevant characteristics.

2. Assessors in each county of this state and the City of St. Louis may send personal property assessment forms through the mail.

3. The following items of personal property shall each constitute separate subclasses of tangible personal property and shall be assessed and valued for the purposes of taxation at the following percentages of their true value in money:

(1) Grain and other agricultural crops in an unmanufactured condition, one-half of one percent;

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- (2) Livestock, twelve percent;
 - (3) Farm machinery, twelve percent;
 - (4) Motor vehicles which are eligible for registration as and are registered as historic motor vehicles pursuant to section 301.131 and aircraft which are at least twenty-five years old and which are used solely for noncommercial purposes and are operated less than fifty hours per year or aircraft that are home built from a kit, five percent;
 - (5) Poultry, twelve percent; and
 - (6) Tools and equipment used for pollution control and tools and equipment used in retooling for the purpose of introducing new product lines or used for making improvements to existing products by any company which is located in a state enterprise zone and which is identified by any standard industrial classification number cited in subdivision (5) of section 135.200, twenty-five percent.
4. The person listing the property shall enter a true and correct statement of the property, in a printed blank prepared for that purpose. The statement, after being filled out, shall be signed and either affirmed or sworn to as provided in section 137.155. The list shall then be delivered to the assessor.
5. (1) All subclasses of real property, as such subclasses are established in Section 4(b) of Article X of the Missouri Constitution and defined in section 137.016, shall be assessed at the following percentages of true value:
- (a) For real property in subclass (1), nineteen percent;
 - (b) For real property in subclass (2), twelve percent; and
 - (c) For real property in subclass (3), thirty-two percent.
- (2) A taxpayer may apply to the county assessor, or, if not located within a county, then the assessor of such city, for the reclassification of such taxpayer's real property if the use or purpose of such real property is changed after such property is assessed under the provisions of this chapter. If the assessor determines that such property shall be reclassified, he or she shall determine the assessment under this subsection based on the percentage of the tax year that such property was classified in each subclassification.
6. Manufactured homes, as defined in section 700.010, which are actually used as dwelling units shall be assessed at the same percentage of true value as residential real property for the purpose of taxation. The percentage of assessment of true value for such manufactured homes shall be the same as for residential real property. If the county collector cannot identify or find the manufactured home when attempting to attach the manufactured home for payment of taxes owed by the manufactured home owner, the county collector may request the county commission to have the manufactured home removed from the tax books, and such request shall be granted within thirty days after the request is made; however, the removal from the tax books does not remove the tax lien on the manufactured home if it is later identified or found. For purposes of this section, a manufactured home located in a manufactured home rental park, rental community or on real estate not owned by the manufactured home owner shall be considered personal property. For purposes of this section, a manufactured home located on real estate owned by the manufactured home owner may be considered real property.
7. Each manufactured home assessed shall be considered a parcel for the purpose of reimbursement pursuant to section 137.750, unless the manufactured home is real estate as defined in subsection 7 of section 442.015 and assessed as a realty improvement to the existing real estate parcel.
8. Any amount of tax due and owing based on the assessment of a manufactured home shall be included on the personal property tax statement of the manufactured home owner unless the manufactured home is real estate as defined in subsection 7 of section 442.015, in which case the amount of tax due and owing on the assessment of the manufactured home as a realty improvement to the existing real estate parcel shall be included on the real property tax statement of the real estate owner.
9. The assessor of each county and each city not within a county shall use the trade-in value published in the October issue of the National Automobile Dealers' Association Official Used Car

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Guide, or its successor publication, as the recommended guide of information for determining the true value of motor vehicles described in such publication. The assessor shall not use a value that is greater than the average trade-in value in determining the true value of the motor vehicle without performing a physical inspection of the motor vehicle. For vehicles two years old or newer from a vehicle's model year, the assessor may use a value other than average without performing a physical inspection of the motor vehicle. In the absence of a listing for a particular motor vehicle in such publication, the assessor shall use such information or publications which in the assessor's judgment will fairly estimate the true value in money of the motor vehicle.

10. Before the assessor may increase the assessed valuation of any parcel of subclass (1) real property by more than fifteen percent since the last assessment, excluding increases due to new construction or improvements, the assessor shall conduct a physical inspection of such property.

11. If a physical inspection is required, pursuant to subsection 10 of this section, the assessor shall notify the property owner of that fact in writing and shall provide the owner clear written notice of the owner's rights relating to the physical inspection. If a physical inspection is required, the property owner may request that an interior inspection be performed during the physical inspection. The owner shall have no less than thirty days to notify the assessor of a request for an interior physical inspection.

12. A physical inspection, as required by subsection 10 of this section, shall include, but not be limited to, an on-site personal observation and review of all exterior portions of the land and any buildings and improvements to which the inspector has or may reasonably and lawfully gain external access, and shall include an observation and review of the interior of any buildings or improvements on the property upon the timely request of the owner pursuant to subsection 11 of this section. Mere observation of the property via a drive-by inspection or the like shall not be considered sufficient to constitute a physical inspection as required by this section.

13. [The provisions of subsections 11 and 12 of this section shall only apply in any county with a charter form of government with more than one million inhabitants.

14.] A county or city collector may accept credit cards as proper form of payment of outstanding property tax or license due. No county or city collector may charge surcharge for payment by credit card which exceeds the fee or surcharge charged by the credit card bank, processor, or issuer for its service. A county or city collector may accept payment by electronic transfers of funds in payment of any tax or license and charge the person making such payment a fee equal to the fee charged the county by the bank, processor, or issuer of such electronic payment.

[15] 14. Any county or city not within a county in this state may, by an affirmative vote of the governing body of such county, opt out of the provisions of this section and sections 137.073, 138.060, and 138.100 as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session and section 137.073 as modified by house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, for the next year of the general reassessment, prior to January first of any year. No county or city not within a county shall exercise this opt-out provision after implementing the provisions of this section and sections 137.073, 138.060, and 138.100 as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session and section 137.073 as modified by house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, in a year of general reassessment. For the purposes of applying the provisions of this subsection, a political subdivision contained within two or more counties where at least one of such counties has opted out and at least one of such counties has not opted out shall calculate a single tax rate as in effect prior to the enactment of house bill no. 1150 of the ninety-first general assembly, second regular session. A governing body of a city not within a county or a county that has opted out under the provisions of this subsection may choose to implement the provisions of this section and sections 137.073, 138.060, and 138.100 as enacted by house bill no. 1150 of the ninety-first general

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assembly, second regular session, and section 137.073 as modified by house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, for the next year of general reassessment, by an affirmative vote of the governing body prior to December thirty-first of any year.

[16] **15.** The governing body of any city of the third classification with more than twenty-six thousand three hundred but fewer than twenty-six thousand seven hundred inhabitants located in any county that has exercised its authority to opt out under subsection 15 of this section may levy separate and differing tax rates for real and personal property only if such city bills and collects its own property taxes or satisfies the entire cost of the billing and collection of such separate and differing tax rates. Such separate and differing rates shall not exceed such city's tax rate ceiling.

[17] **16.** Any portion of real property that is available as reserve for strip, surface, or coal mining for minerals for purposes of excavation for future use or sale to others that has not been bonded and permitted under chapter 444 shall be assessed based upon how the real property is currently being used. Any information provided to a county assessor, state tax commission, state agency, or political subdivision responsible for the administration of tax policies shall, in the performance of its duties, make available all books, records, and information requested, except such books, records, and information as are by law declared confidential in nature, including individually identifiable information regarding a specific taxpayer or taxpayer's mine property. For purposes of this subsection, "mine property" shall mean all real property that is in use or readily available as a reserve for strip, surface, or coal mining for minerals for purposes of excavation for current or future use or sale to others that has been bonded and permitted under chapter 444.

137.385. APPEAL FROM ASSESSMENT — FORM — TIME FOR FILING. — Any person aggrieved by the assessment of his property may appeal to the county board of equalization. An appeal shall be in writing and the forms to be used for this purpose shall be furnished by the county clerk. Such appeal shall be lodged with the county clerk as secretary of the board of equalization before the [third] **second** Monday in [June] **July**; provided, that the board may in its discretion extend the time for filing such appeals.

138.060. APPEALS FROM ASSESSOR'S VALUATION, NO PRESUMPTION THAT VALUATION IS CORRECT, BURDEN OF PROOF IN CERTAIN COUNTIES — ERRONEOUS ASSESSMENTS. — 1. The county board of equalization shall, in a summary way, determine all appeals from the valuation of property made by the assessor, and shall correct and adjust the assessment accordingly. There shall be no presumption that the assessor's valuation is correct. In any county with a charter form of government with a population greater than two hundred eighty thousand inhabitants but less than two hundred eighty-five thousand inhabitants, [and] in any county with a charter form of government with greater than one million inhabitants, [and] in any city not within a county, **and in any other county for any property whose assessed valuation increased at least fifteen percent from the previous assessment unless the increase is due to new construction or improvement**, the assessor shall have the burden to prove that the assessor's valuation does not exceed the true market value of the subject property. In such county or city, in the event a physical inspection of the subject property is required by subsection 10 of section 137.115, the assessor shall have the burden to establish the manner in which the physical inspection was performed and shall have the burden to prove that the physical inspection was performed in accordance with section 137.115. In such county or city, in the event the assessor fails to provide sufficient evidence to establish that the physical inspection was performed in accordance with section 137.115, the property owner shall prevail on the appeal as a matter of law. At any hearing before the state tax commission or a court of competent jurisdiction of an appeal of assessment from a first class charter county or a city not within a county, the assessor shall not advocate nor present evidence

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advocating a valuation higher than that value finally determined by the assessor or the value determined by the board of equalization, whichever is higher, for that assessment period.

2. The county clerk shall keep an accurate record of the proceedings and orders of the board, and the assessor shall correct all erroneous assessments, and the clerk shall adjust the tax book according to the orders of such board and the orders of the state tax commission, except that in adding or deducting such percent to each tract or parcel of real estate as required by such board or state tax commission, he shall add or deduct in each case any fractional sum of less than fifty cents, so that the value of any separate tract shall contain no fractions of a dollar.

138.090. MEETINGS OF BOARD (FIRST CLASS COUNTIES). — 1. Except as provided in subsection 2 of this section, the county board of equalization in first class counties shall meet on the [first] **third** Monday in July of each year.

2. Upon a finding by the board that it is necessary in order to fairly hear all cases arising from a general reassessment, the board may begin meeting after July first in any applicable year to timely consider any appeal or complaint resulting from an evaluation made during a general reassessment of all taxable real property and possessory interests in the county. There shall be no presumption that the assessor's valuation is correct.

143.121. MISSOURI ADJUSTED GROSS INCOME. — 1. The Missouri adjusted gross income of a resident individual shall be the taxpayer's federal adjusted gross income subject to the modifications in this section.

2. There shall be added to the taxpayer's federal adjusted gross income:

(1) The amount of any federal income tax refund received for a prior year which resulted in a Missouri income tax benefit. **The amount added pursuant to this subdivision shall not include any amount of a federal income tax refund attributable to a tax credit reducing a taxpayer's federal tax liability pursuant to Public Law 116-136, enacted by the 116th United States Congress, for the tax year beginning on or after January 1, 2020, and ending on or before December 31, 2020, and deducted from Missouri adjusted gross income pursuant to section 143.171;**

(2) Interest on certain governmental obligations excluded from federal gross income by 26 U.S.C. Section 103 of the Internal Revenue Code, as amended. The previous sentence shall not apply to interest on obligations of the state of Missouri or any of its political subdivisions or authorities and shall not apply to the interest described in subdivision (1) of subsection 3 of this section. The amount added pursuant to this subdivision shall be reduced by the amounts applicable to such interest that would have been deductible in computing the taxable income of the taxpayer except only for the application of 26 U.S.C. Section 265 of the Internal Revenue Code, as amended. The reduction shall only be made if it is at least five hundred dollars;

(3) The amount of any deduction that is included in the computation of federal taxable income pursuant to 26 U.S.C. Section 168 of the Internal Revenue Code as amended by the Job Creation and Worker Assistance Act of 2002 to the extent the amount deducted relates to property purchased on or after July 1, 2002, but before July 1, 2003, and to the extent the amount deducted exceeds the amount that would have been deductible pursuant to 26 U.S.C. Section 168 of the Internal Revenue Code of 1986 as in effect on January 1, 2002;

(4) The amount of any deduction that is included in the computation of federal taxable income for net operating loss allowed by 26 U.S.C. Section 172 of the Internal Revenue Code of 1986, as amended, other than the deduction allowed by 26 U.S.C. Section 172(b)(1)(G) and 26 U.S.C. Section 172(i) of the Internal Revenue Code of 1986, as amended, for a net operating loss the taxpayer claims in the tax year in which the net operating loss occurred or carries forward for a period of more than twenty years and carries backward for more than two years. Any amount of net operating loss taken against federal

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taxable income but disallowed for Missouri income tax purposes pursuant to this subdivision after June 18, 2002, may be carried forward and taken against any income on the Missouri income tax return for a period of not more than twenty years from the year of the initial loss; and

(5) For nonresident individuals in all taxable years ending on or after December 31, 2006, the amount of any property taxes paid to another state or a political subdivision of another state for which a deduction was allowed on such nonresident's federal return in the taxable year unless such state, political subdivision of a state, or the District of Columbia allows a subtraction from income for property taxes paid to this state for purposes of calculating income for the income tax for such state, political subdivision of a state, or the District of Columbia;

(6) For all tax years beginning on or after January 1, 2018, any interest expense paid or accrued in a previous taxable year, but allowed as a deduction under 26 U.S.C. Section 163, as amended, in the current taxable year by reason of the carryforward of disallowed business interest provisions of 26 U.S.C. Section 163(j), as amended. For the purposes of this subdivision, an interest expense is considered paid or accrued only in the first taxable year the deduction would have been allowable under 26 U.S.C. Section 163, as amended, if the limitation under 26 U.S.C. Section 163(j), as amended, did not exist.

3. There shall be subtracted from the taxpayer's federal adjusted gross income the following amounts to the extent included in federal adjusted gross income:

(1) Interest received on deposits held at a federal reserve bank or interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission or instrumentality of the United States to the extent exempt from Missouri income taxes pursuant to the laws of the United States. The amount subtracted pursuant to this subdivision shall be reduced by any interest on indebtedness incurred to carry the described obligations or securities and by any expenses incurred in the production of interest or dividend income described in this subdivision. The reduction in the previous sentence shall only apply to the extent that such expenses including amortizable bond premiums are deducted in determining the taxpayer's federal adjusted gross income or included in the taxpayer's Missouri itemized deduction. The reduction shall only be made if the expenses total at least five hundred dollars;

(2) The portion of any gain, from the sale or other disposition of property having a higher adjusted basis to the taxpayer for Missouri income tax purposes than for federal income tax purposes on December 31, 1972, that does not exceed such difference in basis. If a gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to one-half of such portion of the gain;

(3) The amount necessary to prevent the taxation pursuant to this chapter of any annuity or other amount of income or gain which was properly included in income or gain and was taxed pursuant to the laws of Missouri for a taxable year prior to January 1, 1973, to the taxpayer, or to a decedent by reason of whose death the taxpayer acquired the right to receive the income or gain, or to a trust or estate from which the taxpayer received the income or gain;

(4) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the extent that the same are included in federal adjusted gross income;

(5) The amount of any state income tax refund for a prior year which was included in the federal adjusted gross income;

(6) The portion of capital gain specified in section 135.357 that would otherwise be included in federal adjusted gross income;

(7) The amount that would have been deducted in the computation of federal taxable income pursuant to 26 U.S.C. Section 168 of the Internal Revenue Code as in effect on January 1, 2002, to the extent that amount relates to property purchased on or after July 1, 2002, but before July 1, 2003, and

to the extent that amount exceeds the amount actually deducted pursuant to 26 U.S.C. Section 168 of the Internal Revenue Code as amended by the Job Creation and Worker Assistance Act of 2002;

(8) For all tax years beginning on or after January 1, 2005, the amount of any income received for military service while the taxpayer serves in a combat zone which is included in federal adjusted gross income and not otherwise excluded therefrom. As used in this section, "combat zone" means any area which the President of the United States by Executive Order designates as an area in which Armed Forces of the United States are or have engaged in combat. Service is performed in a combat zone only if performed on or after the date designated by the President by Executive Order as the date of the commencing of combat activities in such zone, and on or before the date designated by the President by Executive Order as the date of the termination of combatant activities in such zone;

(9) For all tax years ending on or after July 1, 2002, with respect to qualified property that is sold or otherwise disposed of during a taxable year by a taxpayer and for which an additional modification was made under subdivision (3) of subsection 2 of this section, the amount by which additional modification made under subdivision (3) of subsection 2 of this section on qualified property has not been recovered through the additional subtractions provided in subdivision (7) of this subsection;

(10) For all tax years beginning on or after January 1, 2014, the amount of any income received as payment from any program which provides compensation to agricultural producers who have suffered a loss as the result of a disaster or emergency, including the:

- (a) Livestock Forage Disaster Program;
- (b) Livestock Indemnity Program;
- (c) Emergency Assistance for Livestock, Honeybees, and Farm-Raised Fish;
- (d) Emergency Conservation Program;
- (e) Noninsured Crop Disaster Assistance Program;
- (f) Pasture, Rangeland, Forage Pilot Insurance Program;
- (g) Annual Forage Pilot Program;
- (h) Livestock Risk Protection Insurance Plan; and
- (i) Livestock Gross Margin Insurance Plan; and

(11) For all tax years beginning on or after January 1, 2018, any interest expense paid or accrued in the current taxable year, but not deducted as a result of the limitation imposed under 26 U.S.C. Section 163(j), as amended. For the purposes of this subdivision, an interest expense is considered paid or accrued only in the first taxable year the deduction would have been allowable under 26 U.S.C. Section 163, as amended, if the limitation under 26 U.S.C. Section 163(j), as amended, did not exist.

4. There shall be added to or subtracted from the taxpayer's federal adjusted gross income the taxpayer's share of the Missouri fiduciary adjustment provided in section 143.351.

5. There shall be added to or subtracted from the taxpayer's federal adjusted gross income the modifications provided in section 143.411.

6. In addition to the modifications to a taxpayer's federal adjusted gross income in this section, to calculate Missouri adjusted gross income there shall be subtracted from the taxpayer's federal adjusted gross income any gain recognized pursuant to 26 U.S.C. Section 1033 of the Internal Revenue Code of 1986, as amended, arising from compulsory or involuntary conversion of property as a result of condemnation or the imminence thereof.

7. (1) As used in this subsection, "qualified health insurance premium" means the amount paid during the tax year by such taxpayer for any insurance policy primarily providing health care coverage for the taxpayer, the taxpayer's spouse, or the taxpayer's dependents.

(2) In addition to the subtractions in subsection 3 of this section, one hundred percent of the amount of qualified health insurance premiums shall be subtracted from the taxpayer's federal adjusted gross income to the extent the amount paid for such premiums is included in federal taxable income. The

taxpayer shall provide the department of revenue with proof of the amount of qualified health insurance premiums paid.

8. (1) Beginning January 1, 2014, in addition to the subtractions provided in this section, one hundred percent of the cost incurred by a taxpayer for a home energy audit conducted by an entity certified by the department of natural resources under section 640.153 or the implementation of any energy efficiency recommendations made in such an audit shall be subtracted from the taxpayer's federal adjusted gross income to the extent the amount paid for any such activity is included in federal taxable income. The taxpayer shall provide the department of revenue with a summary of any recommendations made in a qualified home energy audit, the name and certification number of the qualified home energy auditor who conducted the audit, and proof of the amount paid for any activities under this subsection for which a deduction is claimed. The taxpayer shall also provide a copy of the summary of any recommendations made in a qualified home energy audit to the department of natural resources.

(2) At no time shall a deduction claimed under this subsection by an individual taxpayer or taxpayers filing combined returns exceed one thousand dollars per year for individual taxpayers or cumulatively exceed two thousand dollars per year for taxpayers filing combined returns.

(3) Any deduction claimed under this subsection shall be claimed for the tax year in which the qualified home energy audit was conducted or in which the implementation of the energy efficiency recommendations occurred. If implementation of the energy efficiency recommendations occurred during more than one year, the deduction may be claimed in more than one year, subject to the limitations provided under subdivision (2) of this subsection.

(4) A deduction shall not be claimed for any otherwise eligible activity under this subsection if such activity qualified for and received any rebate or other incentive through a state-sponsored energy program or through an electric corporation, gas corporation, electric cooperative, or municipally owned utility.

9. The provisions of subsection 8 of this section shall expire on December 31, 2020.

143.171. FEDERAL INCOME TAX DEDUCTION, AMOUNT, CORPORATE AND INDIVIDUAL TAXPAYERS. — 1. For all tax years beginning on or after January 1, 1994, and ending on or before December 31, 2018, an individual taxpayer shall be allowed a deduction for his or her federal income tax liability under Chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed, not to exceed five thousand dollars on a single taxpayer's return or ten thousand dollars on a combined return, after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by 26 U.S.C. Section 31, 26 U.S.C. Section 27, and 26 U.S.C. Section 34.

2. (1) Notwithstanding any other provision of law to the contrary, for all tax years beginning on or after January 1, 2019, an individual taxpayer shall be allowed a deduction equal to a percentage of his or her federal income tax liability under Chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed, not to exceed five thousand dollars on a single taxpayer's return or ten thousand dollars on a combined return, after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by 26 U.S.C. Section 31, 26 U.S.C. Section 27, and 26 U.S.C. Section 34. The deduction percentage is determined according to the following table:

If the Missouri gross income on the return is:	The deduction percentage is:
\$25,000 or less	35 percent
From \$25,001 to \$50,000	25 percent
From \$50,001 to \$100,000	15 percent

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From \$100,001 to \$125,000	5 percent
\$125,001 or more	0 percent

(2) Notwithstanding any provision of law to the contrary, the amount of any tax credits reducing a taxpayer's federal tax liability pursuant to Public Law 116-136, enacted by the 116th United States Congress, for the tax year beginning on or after January 1, 2020, and ending on or before December 31, 2020, shall not be considered in determining a taxpayer's federal tax liability for the purposes of subdivision (1) of this subsection.

3. For all tax years beginning on or after September 1, 1993, a corporate taxpayer shall be allowed a deduction for fifty percent of its federal income tax liability under Chapter 1 of the Internal Revenue Code for the same taxable year for which the Missouri return is being filed after reduction for all credits thereon, except the credit for payments of federal estimated tax, the credit for the overpayment of any federal tax, and the credits allowed by the Internal Revenue Code by 26 U.S.C. Section 31, 26 U.S.C. Section 27, and 26 U.S.C. Section 34.

4. If a federal income tax liability for a tax year prior to the applicability of sections 143.011 to 143.996 for which he was not previously entitled to a Missouri deduction is later paid or accrued, he may deduct the federal tax in the later year to the extent it would have been deductible if paid or accrued in the prior year.

143.425. FEDERAL ADJUSTMENTS DUE TO AUDIT, IRS ACTIONS, OR AMENDED FEDERAL TAX RETURNS — DEFINITIONS — REPORTING REQUIREMENTS — AUDITED PARTNERSHIPS, DUTIES — ADDITIONAL TAXES ASSESSED, WHEN — ESTIMATED PAYMENTS — RULEMAKING AUTHORITY. — 1. For the purposes of this section, the following terms shall mean:

(1) "Administrative adjustment request", an administrative adjustment request filed by a partnership under 26 U.S.C. Section 6227;

(2) "Audited partnership", a partnership subject to a partnership level audit resulting in a federal adjustment;

(3) "Corporate partner", a partner that is subject to tax under section 143.071;

(4) "Direct partner", a partner that holds an interest directly in a partnership or pass-through entity;

(5) "Exempt partner", a partner that is exempt from taxation under the provisions of subdivisions (1) or (4) of subsection 2 of section 143.441, except on unrelated business taxable income;

(6) "Federal adjustment", a change to an item or amount determined under the Internal Revenue Code that is used by a taxpayer to compute Missouri individual or corporate income tax owed, whether that change results from action by the IRS, including a partnership level audit, or the filing of an amended federal return, federal refund claim, or an administrative adjustment request by the taxpayer. A federal adjustment is positive to the extent that it increases Missouri taxable income as determined under section 143.431, or Missouri adjusted gross income under section 143.121 or 143.181, and is negative to the extent that it decreases such Missouri taxable income or Missouri adjusted gross income;

(7) "Federal adjustments report", methods or forms, which shall be prescribed by the department of revenue, for use by a taxpayer to report final federal adjustments, including an amended Missouri tax return, a uniform multistate report, or an information return, notwithstanding any provision of law restricting the form or applicability of information return filing;

(8) "Federal partnership representative", the person the partnership designates for the taxable year as the partnership's representative, or the person the IRS has appointed to act as the federal partnership representative, under 26 U.S.C. Section 6223(a);

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(9) "Final determination date", shall be the following:

(a) Except as provided under paragraphs (b) and (c) of this subdivision, if the federal adjustment arises from an IRS audit or other action by the IRS, the final determination date shall be the first day on which no federal adjustments arising from such audit or other action remain to be finally determined, whether by IRS decision with respect to which all rights of appeal have been waived or exhausted, by agreement, or, if appealed or contested, by a final decision with respect to which all rights of appeal have been waived or exhausted. For agreements required to be signed by the IRS and the taxpayer, the final determination date shall be the date on which the last party signed the agreement;

(b) For federal adjustments arising from an IRS audit or other action by the IRS, if the taxpayer filed as a member of a Missouri consolidated return, the final determination date shall be the first day on which no related federal adjustments arising from such audit remain to be finally determined, as described in paragraph (a) of this subdivision, for the entire group;

(c) If the federal adjustment results from filing an amended federal return, a federal refund claim, or an administrative adjustment request, or if it is a federal adjustment reported on an amended federal return or other similar report filed under 26 U.S.C. Section 6225(c), the final determination date shall be the day on which the amended return, refund claim, administrative adjustment request, or other similar report was filed;

(10) "Final federal adjustment", a federal adjustment that remains in effect after the final determination date for such federal adjustment has passed;

(11) "IRS", the Internal Revenue Service of the United States Department of the Treasury;

(12) "Indirect partner", a partner in a partnership or pass-through entity, where such partnership or pass-through entity itself holds a direct or indirect interest in another partnership or pass-through entity. A partnership or pass-through entity holds an "indirect interest" in another partnership or pass-through entity where its interest is held through an indirect partner or series of indirect partners;

(13) "Non-resident partner", an individual, trust, or estate partner that is not a resident partner;

(14) "Partner", a person that holds an interest directly or indirectly in a partnership or other pass-through entity;

(15) "Partnership", the same meaning as used in 26 U.S.C. Sections 701 to 771;

(16) "Partnership level audit", an examination by the IRS at the partnership level under 26 U.S.C. Sections 6221 to 6241, as enacted by the Bipartisan Budget Act of 2015, Public Law 114-74, and any amendments thereto, which results in federal adjustments;

(17) "Pass-through entity", an entity, other than a partnership, that is not subject to tax under section 143.071, section 153.020, chapter 148, or a tax on insurance companies or insurance providers imposed by the state of Missouri;

(18) "Publicly traded partnership", the same meaning as used in 26 U.S.C. Section 7704(b), and any amendments thereto;

(19) "Reallocation adjustment", a federal adjustment resulting from a partnership level audit or an administrative adjustment request that changes the shares of one or more items of partnership income, gain, loss, expense, or credit allocated to direct partners. A positive reallocation adjustment means the portion of a reallocation adjustment that would increase federal adjusted gross income or federal taxable income for one or more direct partners, and a negative reallocation adjustment means the portion of a reallocation adjustment that would decrease federal adjusted gross income or federal taxable income for one or more direct partners;

(20) "Resident partner", an individual, trust, or estate partner that is a resident of Missouri as defined under section 143.101 for individuals, or under section 143.331 for trusts or estates, for the relevant tax period;

(21) "Reviewed year", the taxable year of a partnership that is subject to a partnership level audit which results in a federal adjustment;

(22) "Taxpayer", any individual or entity subject to a tax in Missouri or a tax-related reporting requirement in Missouri and, unless the context clearly indicates otherwise, includes a partnership subject to a partnership level audit or a partnership that has made an administrative adjustment request, as well as a tiered partner of that partnership;

(23) "Tiered partner", any partner that is a partnership or pass-through entity;

(24) "Unrelated business taxable income", the same meaning as defined in 26 U.S.C. Section 512.

2. Except in the case of final federal adjustments that are reported and, if applicable, on the basis of which Missouri income tax is paid by a partnership and its partners using the procedures provided under subsections 3 to 9 of this section, final federal adjustments required to be reported for federal purposes under 26 U.S.C. Section 6225(a)(2), and changes required to be reported under section 143.601, a taxpayer shall report and pay any Missouri tax due with respect to final federal adjustments arising from an audit or other action by the IRS or reported by the taxpayer on a timely filed amended federal income tax return, including a return or other similar report filed under 26 U.S.C. Section 6225(c)(2), or federal claim for refund, by filing a federal adjustments report with the department of revenue for the reviewed year and, if applicable, paying the additional Missouri tax owed by the taxpayer no later than one hundred eighty days after the final determination date.

3. Except for adjustments required to be reported for federal purposes under 26 U.S.C. Section 6225(a)(2), partnerships and partners shall report final federal adjustments arising from a partnership level audit or an administrative adjustment request and make payments as required under subsections 3 to 9 of this section.

4. (1) With respect to an action required or permitted to be taken by a partnership under subsections 3 to 9 of this section, a proceeding under section 143.631 for reconsideration by the director of revenue, appeal to the administrative hearing commission, or review by the judiciary with respect to such action, the state partnership representative for the reviewed year shall have the sole authority to act on behalf of the partnership, and the partnership's direct partners and indirect partners shall be bound by those actions.

(2) The state partnership representative for the reviewed year is the partnership's federal partnership representative unless the partnership designates in writing another person as its state partnership representative.

(3) The department of revenue may establish reasonable qualifications and procedures for designating a person, other than the federal partnership representative, to be the state partnership representative.

(4) The state partnership representative shall be considered an authorized representative of the partnership and its partners under section 32.057 for the purposes of compliance with this section, or participating in a proceeding described in subdivision (1) of this section.

5. Final federal adjustments subject to the requirements of subsections 3 to 9 of this section, except for those subject to a properly made election under subsection 6 of this section, shall be reported as follows:

(1) No later than ninety days after the final determination date, the partnership shall:

(a) File a completed federal adjustments report with the department of revenue, including information as required by the department of revenue;

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(b) Notify each of its direct partners of their distributive share of the final federal adjustments including information as required by the department of revenue;

(c) Pay any additional amount under section 143.411 that would have been due had the final federal adjustments originally been reported properly, unless the partnership is a publicly traded partnership; and

(d) If the partnership is a publicly traded partnership, report such information as is required by the department of revenue and in the manner and format as required by department of revenue instruction, including the name, address, and taxpayer identification number of each direct partner with income in Missouri which the publicly traded partnership can reasonably determine to be:

a. Six hundred dollars or more if the partner is an individual; or

b. One hundred dollars or more if the partner is a corporation or entity other than an individual;

(2) No later than one hundred eighty days after the final determination date, each direct partner that is subject to tax under sections 143.011 to 143.996, section 153.020, chapter 148, or a Missouri tax on insurance companies or insurance providers, shall:

(a) File a federal adjustments report reporting the distributive share of the adjustments reported to them under paragraph (b) of subdivision (1) of this subsection; and

(b) Pay any additional amount of tax due as if final federal adjustments had been properly reported, plus any penalty and interest due under sections 143.011 to 143.996 or any other provision of law, and less any credit for related amounts paid or withheld and remitted on behalf of the direct partner. The rate of interest on any amount due shall be determined by section 32.068.

6. (1) Subject to the limitations provided under subdivision (2) of this subsection, an audited partnership making an election under this subsection shall:

(a) No later than ninety days after the final determination date, file a completed federal adjustments report, including information as required by department of revenue, and notify the department of revenue that it is making the election under this subsection;

(b) No later than ninety days after the final determination date, pay an amount, determined as follows, in lieu of taxes owed by its direct and indirect partners:

a. Exclude from final federal adjustments the distributive share of such adjustments reported to a direct exempt partner not subject to tax under sections 143.011 to 143.996;

b. For the total distributive shares of the remaining final federal adjustments reported to direct corporate partners subject to tax under section 143.071, and to direct exempt partners subject to tax under sections 143.011 to 143.996, apportion and allocate such adjustments as provided under section 143.455 if applicable, and multiply the resulting amount by the tax rate provided under section 143.071 for direct corporate partners and direct exempt partners that are corporations, or the top rate of tax under section 143.011 for direct exempt partners that are not corporations;

c. For the total distributive shares of the remaining final federal adjustments reported to non-resident direct partners subject to tax under sections 143.011 to 143.996, determine the amount of such adjustments which is derived from or connected with sources in Missouri as described in section 143.421, and multiply the resulting amount by the highest rate of tax under section 143.011;

d. For the total distributive shares of the remaining final federal adjustments reported to tiered partners:

(i) Determine the amount of such adjustments which is of a type such that it would be subject to sourcing to this state under section 143.421; and then determine the portion of such amount that would be sourced to the state under section 143.421;

(ii) Determine the amount of such adjustments which is of a type such that it would not be subject to sourcing to Missouri by a nonresident partner under section 143.421;

(iii) Determine the portion of the amount determined in item (ii) of this subparagraph that can be established, under regulation issued by the department of revenue, to be properly allocable to nonresident indirect partners or other partners not subject to tax on the adjustments;

(iv) Multiply the sum of the amounts determined in items (i) and (ii) of this subparagraph, reduced by the amount determined in item (iii) of this subparagraph, by the highest rate of tax under section 143.011;

e. For the total distributive shares of the remaining final federal adjustments reported to resident direct partners subject to tax under section 143.011 or 143.061, multiply such amount by the highest rate of tax under section 143.011;

f. For the total distributive shares of the remaining final federal adjustments reported to direct partners subject to tax under chapter 148, section 153.020, or a Missouri tax on insurance companies or insurance providers, apportion and allocate such adjustments in the manner provided by law for such tax, if applicable, and multiply the resulting amount by the tax rate applicable to such direct partner;

g. Add the amounts determined under subparagraphs b to f of this paragraph, in addition to any penalty and interest as provided under sections 143.011 to 143.961 or any other provision of law. The rate of interest on any amount due shall be determined by section 32.068.

(2) Final federal adjustments subject to the election provided for under this subsection shall not include:

(a) The distributive share of final audit adjustments that would, under section 143.455, be included in the apportionable income of any direct or indirect corporate partner, provided that the audited partnership can reasonably determine such amount; and

(b) Any final federal adjustments resulting from an administrative adjustment request.

(3) An audited partnership not otherwise subject to any reporting or payment obligation to Missouri that makes an election under this subsection consents to be subject to Missouri law related to reporting, assessment, payment, and collection of Missouri tax calculated under this subsection.

7. The direct and indirect partners of an audited partnership that are tiered partners, and all of the partners of such tiered partners that are subject to tax under sections 143.011 to 143.961, shall be subject to the reporting and payment requirements of subsection 5 of this section, and such tiered partners shall be entitled to make the election provided under subsection 6 of this section. The tiered partners or their partners shall make required reports and payments no later than ninety days after the time for filing and furnishing statements to tiered partners and their partners as established under 26 U.S.C. Section 6226. The department of revenue may promulgate rules to establish procedures and interim time periods for the reports and payments required by tiered partners and their partners, and for making the elections under subsection 6 of this section.

8. (1) The election made under subsection 6 of this section shall be irrevocable, unless the director of revenue, in his or her discretion or that of the directors' designee, determines otherwise.

(2) If properly reported and paid by the audited partnership or tiered partner, the amount determined under subdivision (2) of subsection 6 of this section shall be treated as paid in lieu of taxes owed by its direct and indirect partners, to the extent applicable, on the same final federal

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Matter in bold-face type is proposed language.

adjustments. The direct partners or indirect partners shall not take any deduction or credit on the determined amount, or claim a refund of such amount in this state. Nothing in this subsection shall preclude a direct resident partner from claiming a credit against the tax otherwise due to this state under section 143.081, or any amounts paid by the audited partnership or tiered partner on the resident partner's behalf to another state or local tax jurisdiction in accordance with the provisions of section 143.081.

9. Nothing in subsections 3 to 9 of this section shall be construed to prevent the department of revenue from assessing direct partners or indirect partners for taxes owed by such partners, using the best information available, in the event that a partnership or tiered partner fails to timely make any report or payment required under subsections 3 to 9 of this section for any reason.

10. The department of revenue shall assess additional tax, interest, additions to tax, and penalties arising from final federal adjustments arising from an audit by the IRS, including a partnership level audit, or reported by the taxpayer on an amended federal income tax return, or as part of an administrative adjustment request by no later than the latest of the following dates:

(1) If a taxpayer files with the department of revenue a federal adjustments report or an amended Missouri tax return as required within the period provided under subsections 2 to 9 of this section, the department of revenue shall assess any amounts, including taxes, interest, additions to tax, and penalties arising from such federal adjustments if the department of revenue issues a notice of the assessment to the taxpayer no later than:

(a) The expiration of the limitations period provided under section 143.711; or

(b) The expiration of the one year period following the date of filing with the department of revenue of the federal adjustments report;

(2) If the taxpayer fails to file the federal adjustments report within the period provided under subsections 2 to 9 of this section, as appropriate, or the federal adjustments report filed by the taxpayer omits final federal adjustments or understates the correct amount of tax owed, the department of revenue shall assess amounts or additional amounts including taxes, interest, additions to tax, and penalties arising from the final federal adjustments, if it mails a notice of the assessment to the taxpayer by a date which is the latest of the following:

(a) The expiration of the limitations period provided under section 143.711;

(b) The expiration of the one year period following the date the federal adjustments report was filed with the department of revenue; or

(c) Absent fraud, the expiration of the six-year period following the final determination date.

11. A taxpayer may make estimated payments to the department of revenue of the Missouri tax expected to result from a pending IRS audit, prior to the due date of the federal adjustments report, without having to file such report with the department of revenue. The estimated tax payments shall be credited against any tax liability ultimately found to be due to Missouri and shall limit the accrual of further interest on such amount. If the estimated tax payments exceed the final tax liability and interest ultimately determined to be due, the taxpayer shall be entitled to a refund or credit for the excess, provided the taxpayer files a federal adjustments report or claim for refund or credit of tax under section 143.781 or 143.821 no later than one year following the final determination date.

12. Except for final federal adjustments required to be reported for federal purposes under 26 U.S.C. Section 6225(a)(2), a taxpayer may file a claim for refund or credit of tax arising from federal adjustments made by the IRS on or before the later of:

(1) The expiration of the last day for filing a claim for refund or credit of Missouri tax under section 143.801, including any extensions; or

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(2) One year from the date a federal adjustments report required under subsections 2 to 9 of this section, as applicable, was due to the department of revenue, including any extensions provided under subsection 13 of this section.

The federal adjustments report shall serve as the means for the taxpayer to report additional tax due, report a claim for refund or credit of tax, and make other adjustments resulting from adjustments to the taxpayer's federal taxable income.

13. (1) Unless otherwise agreed in writing by the taxpayer and the department of revenue, any adjustments by the department or by the taxpayer made after the expiration of the appropriate limitations period provided under section 143.711 or 143.801 shall be limited to changes to the taxpayer's tax liability arising from federal adjustments.

(2) For purposes of compliance with this section, the time periods provided for in chapter 143 may be extended:

(a) Automatically, upon written notice to the department of revenue, by ninety days for an audited partnership or tiered partner which has one hundred or more direct partners; or

(b) By written agreement between the taxpayer and the department of revenue.

(3) Any extension granted under this subsection for filing the federal adjustments report extends the last day prescribed by law for assessing any additional tax arising from the adjustments to federal taxable income and the period for filing a claim for refund or credit of taxes under section 143.781 or 143.821.

14. The department of revenue shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2020, shall be invalid and void.

15. The provisions of this section shall apply to any adjustments to a taxpayer's federal taxable income or federal adjusted gross income with a final determination date occurring on or after January 1, 2021.

143.991. ARMED FORCES RELIEF PROVISION — CHRISTOPHER J. BOSCHE MEMORIAL ACT. — 1. The period of service in the Armed Forces of the United States in a combat zone plus any period of continuous hospitalization outside this state attributable to such service plus the next one hundred eighty days shall be disregarded in determining, under regulations to be promulgated by the director of revenue, whether any act required by sections 143.011 to 143.996 was performed by a taxpayer within the time prescribed therefor.

2. In the case of any individual who dies during an induction period while in active service as a member of the Armed Forces of the United States, if such death occurred while the individual was serving in a combat zone or as a result of wounds, disease, or injury incurred while so serving, the tax imposed by sections 143.011 to 143.996 shall not apply with respect to the taxable year in which falls the date of his **or her** death, or with respect to any prior taxable year ending on or after the first day he **or she** so served in a combat zone.

3. (1) This subsection shall be known and may be cited as the "Christopher J. Bosche Memorial Act".

(2) In the case of a specified terrorist victim, the tax imposed pursuant to this chapter shall not apply:

(a) With respect to the taxable year in which falls the date of death; and

(b) With respect to any prior taxable year in the period beginning with the last taxable year ending before the taxable year in which the wounds or injury were incurred from an attack as described in subdivision (3) of this subsection.

(3) The provisions of subdivision (1) of this subsection shall not apply to the amount of any tax imposed pursuant to this chapter which would be computed by only taking into account the items of income, gain, or other amounts determined to be taxable pursuant to 26 U.S.C. Section 692(d)(3), as amended.

(4) The provisions of subsection 1 of section 143.801 shall not apply to claims for a refund made pursuant to this subsection.

(5) For the purposes of this subsection, the term "specified terrorist victim" means any decedent who dies:

(a) As a result of wounds or injury incurred as a result of the terrorist attacks against the United States on September 11, 2001; or

(b) As a result of illness incurred as a result of an attack involving anthrax occurring on or after September 11, 2001, and before January 1, 2002.

Such term shall not include any individual identified by the Attorney General of the United States to have been a participant or conspirator in any such attack or a representative of such an individual.

Approved July 14, 2020

SB 739

Enacts provisions relating to prohibiting public entities from contracting with companies discriminating against Israel.

AN ACT to amend chapter 34, RSMo, by adding thereto one new section relating to prohibiting public entities from contracting with companies discriminating against Israel.

SECTION

A Enacting clause.

34.600 Citation of law — public entity contracts, no boycott of goods or services from Israel — definitions — violation, voiding of contract — rulemaking authority.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Chapter 34, RSMo, is amended by adding thereto one new section, to be known as section 34.600, to read as follows:

34.600. CITATION OF LAW — PUBLIC ENTITY CONTRACTS, NO BOYCOTT OF GOODS OR SERVICES FROM ISRAEL — DEFINITIONS — VIOLATION, VOIDING OF CONTRACT —

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

RULEMAKING AUTHORITY. — 1. This section shall be known as the "Anti-Discrimination Against Israel Act".

2. A public entity shall not enter into a contract with a company to acquire or dispose of services, supplies, information technology, or construction unless the contract includes a written certification that the company is not currently engaged in and shall not, for the duration of the contract, engage in a boycott of goods or services from the State of Israel; companies doing business in or with Israel or authorized by, licensed by, or organized under the laws of the State of Israel; or persons or entities doing business in the State of Israel. This section shall not apply to contracts with a total potential value of less than one hundred thousand dollars or to contractors with fewer than ten employees.

3. As used in this section, the following terms and phrases shall mean:

(1) "Boycott Israel" and "boycott of the State of Israel", engaging in refusals to deal, terminating business activities, or other actions to discriminate against, inflict economic harm, or otherwise limit commercial relations specifically with the State of Israel; companies doing business in or with Israel or authorized by, licensed by, or organized under the laws of the State of Israel; or persons or entities doing business in the State of Israel, that are all intended to support a boycott of the State of Israel. A company's statement that it is participating in boycotts of the State of Israel; companies doing business in or with Israel or authorized by, licensed by, or organized under the laws of the State of Israel; or persons or entities doing business in the State of Israel, or that it has taken the boycott action at the request, in compliance with, or in furtherance of calls for a boycott of the State of Israel; companies doing business in or with Israel or authorized by, licensed by, or organized under the laws of the State of Israel; or persons or entities doing business in the State of Israel shall be considered to be conclusive evidence that a company is participating in a boycott of the State of Israel; companies doing business in or with Israel or authorized by, licensed by, or organized under the laws of the State of Israel; or persons or entities doing business in the State of Israel; provided, however that a company that has made no such statement may still be considered to be participating in a boycott of the State of Israel; companies doing business in or with Israel or authorized by, licensed by, or organized under the laws of the State of Israel; or persons or entities doing business in the State of Israel if other factors warrant such a conclusion;

(2) "Company", any for-profit or not-for-profit organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, limited liability company, or other entity or business association, including all wholly-owned subsidiaries, majority-owned subsidiaries, parent companies, or affiliates of those entities or business associations;

(3) "Public entity", the state of Missouri or any political subdivision thereof, including all boards, commissions, agencies, institutions, authorities, and bodies politic and corporate of the state created by or in accordance with state law or regulations.

4. Any contract that fails to comply with the provisions of this section shall be void against public policy.

5. The commissioner of administration or his or her designee may promulgate regulations to implement the provisions of this act so long as they are consistent with this section and do not create any exceptions. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority of this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and

annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2020, shall be invalid and void.

Approved July 13, 2020

SB 913

Enacts provisions relating to the peer review process for design professionals.

AN ACT to repeal section 537.033, RSMo, and to enact in lieu thereof one new section relating to the peer review process for design professionals.

SECTION

A Enacting clause.

537.033 Design professionals — peer review process, requirements.

Be it enacted by the General Assembly of the State of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Section 537.033, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 537.033, to read as follows:

537.033. DESIGN PROFESSIONALS — PEER REVIEW PROCESS, REQUIREMENTS. — 1. As used in this section, unless the context clearly indicates otherwise, the following words and terms shall have the meanings indicated:

(1) "Design professional", an architect, landscape architect, professional land surveyor, or professional engineer licensed under the provisions of chapter 327 or any corporation authorized to practice architecture, landscape architecture, land surveying, or engineering under section 327.401 while acting within their scope of practice;

(2) "Lessons learned", internal meetings, classes, publications in any medium, presentations, lectures, or other means of teaching and communicating after substantial completion of the project which are conducted solely and exclusively by and with the employees, partners, and coworkers of the design professional who prepared the project's design for the purpose of learning best practices and reducing errors and omissions in design documents and procedures. Lessons learned shall not include presentations, lectures, teaching, or communication made to or by third parties who are not employees, partners, and coworkers of the design professional whose work is being evaluated and discussed;

(3) "Peer review process", a process through which design professionals evaluate, maintain, or monitor the quality and utilization of architectural, landscape architectural, land surveying, or engineering services, prepare internal lessons learned, or exercise any combination of such responsibilities;

(4) "Substantial completion", the construction of the project covered by the design professional's design documents has reached substantial completion, as that term is defined in section 436.327.

2. A peer review process shall only be performed by a design professional licensed in any jurisdiction in the United States in the same profession as would be required under chapter 327 to prepare the design documents being reviewed, or in a case requiring multiple professions, by a person or persons holding the proper licenses. A peer review process may be performed by one or more design professionals appointed by the partners, shareholders, board of directors, chief executive officer, quality control director, or employed design professionals of a partnership or of a corporation authorized under

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section 327.401 to practice architecture, landscape architecture, land surveying, or engineering, or by the owner of a sole proprietorship engaged in one or more of such professions. Any individual identified in this subsection and performing a peer review shall be deemed a peer reviewer.

3. Each peer reviewer described in this subsection shall be immune from civil liability for such acts so long as the acts are performed in good faith, without malice, and are reasonably related to the scope of inquiry of the peer review process. The immunity in this subsection is intended to cover only outside peer reviews by a third-party design professional who is not an employee, coworker, or partner of the design professional whose design is being peer reviewed before substantial completion of the project and who has no other role in the project besides performing the peer review.

4. This section does not provide immunity to any in-house peer reviewer when performed by employees, coworkers, or partners of the design professional who prepares the design, nor are any such documents or peer review comments, other than lessons learned, inadmissible into evidence in any judicial or administrative action.

5. Except for documents related to lessons learned, the interviews, memoranda, proceedings, findings, deliberations, reports, and minutes of the peer review process, or the existence of the same, concerning the professional services provided to a client or member of the public are subject to discovery, subpoena, or other means of legal compulsion for their release to any person or entity and shall be admissible into evidence in any judicial or administrative action for failure to provide appropriate architectural, landscape architectural, land surveying, or engineering services, subject to applicable rules of the court or tribunal. Except as otherwise provided in this section, no person who was in attendance at, or participated in, any lessons learned process or proceedings shall be permitted or required to disclose any information acquired in connection with or in the course of such proceeding, or to disclose any opinion, recommendation, or evaluation made in a lessons learned process or proceeding; provided, however, that information otherwise discoverable or admissible from original sources is not to be construed as immune from discovery or use in any proceeding merely because it was presented during a lessons learned process or proceeding nor is a member, employee, or agent involved in any such process or proceeding, or other person appearing before a peer reviewer, to be prevented from testifying as to matters within his or her personal knowledge and in accordance with the other provisions of this section, but such witness cannot be questioned about a lessons learned process or proceeding or about opinions formed as a result of such process or proceeding. The disclosure of any memoranda, proceedings, reports, or minutes of a lessons learned proceeding to any person or entity, including but not limited to governmental agencies, professional accrediting agencies, or other design professionals, whether proper or improper, shall not waive or have any effect upon its confidentiality, nondiscoverability, or nonadmissibility.

6. Nothing in this section shall limit authority otherwise provided by law of the Missouri board for architects, professional engineers, professional land surveyors, and landscape architects to obtain information by subpoena or other authorized process from a peer reviewer or to require disclosure of otherwise confidential information relating to matters and investigations within the jurisdiction of such licensing board.

[7. The provisions of this section shall expire on January 1, 2023, unless reauthorized by an act of the general assembly. The provisions of this section shall continue to apply to peer reviews and lessons learned proceedings performed prior to the expiration date of this section.]

Approved July 13, 2020

SS#2 SCS HCS HB 1854

Modifies provisions relating to political subdivisions.

AN ACT to repeal sections 29.230, 36.155, 50.166, 50.327, 54.140, 59.021, 59.100, 64.805, 67.730, 67.1360, 67.1545, 94.838, 94.900, 94.902, 105.145, 115.127, 115.621, 115.646, 137.180, 138.434, 144.757, 205.202, 238.207, 238.235, 238.237, 321.015, 321.190, 321.300, 321.552, 321.603, 506.384, 610.021, 620.2005, and 620.2010, RSMo, and section 49.266 as enacted by senate bill no. 672, ninety-seventh general assembly, second regular session, and section 49.266 as enacted by house bill no. 28, ninety-seventh general assembly, first regular session, and to enact in lieu thereof fifty-two new sections relating to political subdivisions, with penalty provisions.

Vetoed July 14, 2020

SS SCS SB 718

Modifies provisions relating to military affairs.

AN ACT to repeal sections 36.020, 168.021, 192.2305, 208.151, 210.109, 210.150, 379.122, 620.2005, 620.2010, and 650.005, RSMo, and to enact in lieu thereof fourteen new sections relating to military affairs, with an existing penalty provision and a contingent effective date for certain sections.

Vetoed July 14, 2020

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HCR 57

BE IT RESOLVED, by the House of Representatives of the One-Hundredth General Assembly, Second Regular Session, of the State of Missouri, the Senate concurring therein, that the House of Representatives and the Senate convene in Joint Session in the Hall of the House of Representatives at 3:00 p.m., Wednesday, January 15, 2020, to receive a message from His Excellency, the Honorable Michael L. Parson, Governor of the State of Missouri; and

BE IT FURTHER RESOLVED, that a committee of ten (10) members from the House of Representatives be appointed by the Speaker to act with a committee of ten (10) members from the Senate, appointed by the President Pro Tempore, to wait upon the Governor of the State of Missouri and inform His Excellency that the House of Representatives and Senate of the One-Hundredth General Assembly, Second Regular Session, are now organized and ready for business and to receive any message or communication that His Excellency may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

HCR 58

BE IT RESOLVED, by the House of Representatives of the One-Hundredth General Assembly, Second Regular Session, of the State of Missouri, the Senate concurring therein, that the House of Representatives and the Senate convene in Joint Session in the Hall of the House of Representatives at 10:30 a.m., Wednesday, January 22, 2020, to receive a message from the Honorable George W. Draper III, Chief Justice of the Supreme Court of the State of Missouri; and

BE IT FURTHER RESOLVED, that a committee of ten (10) members from the House of Representatives be appointed by the Speaker to act with a committee of ten (10) members from the Senate, appointed by the President Pro Tempore, to wait upon the Chief Justice of the Supreme Court of the State of Missouri and inform His Honor that the House of Representatives and the Senate of the One-Hundredth General Assembly, Second Regular Session, are now organized and ready for business and to receive any message or communication that His Honor may desire to submit, and that the Chief Clerk of the House of Representatives be directed to inform the Senate of the adoption of this resolution.

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SCR 32

Urges the Missouri Congressional delegation to support legislation for the declassification of POW/MIA records.

Whereas, more than 81,900 United States service members remain unaccounted for from World War II, the Korean War, the Vietnam War, and the Cold War, of which 2,298 are Missourians; and

Whereas, for more than seventy years the families of those missing have been deprived of the peace that comes with laying to rest the remains of a loved one or at least knowing that loved one's fate; and

Whereas, the basic principle of national honor in the Armed Forces of the United States of America is that the United States leaves no one behind; and

Whereas, the United States has an obligation to the missing and to their families to enforce this principle and provide information and answers; and

Whereas, in 1993, the United States Senate Select Committee on POW/MIA Affairs noted in its final report that declassifying the records related to POWs and MIAs could have eliminated much of the controversy and unnecessary secrecy surrounding the United States government's handling of the POW/MIA issues, which bred suspicion and distrust; and

Whereas, federal statutes and multiple presidential executive orders have called for the declassification of records relating to POWs and MIAs, but such mandates have been limited in scope, lacked enforcement mechanisms, and included broad exceptions that have been routinely cited by federal agencies as justification for continued classification of documents; and

Whereas, all government agencies should be directed by Congress and the Executive Branch of the United States to identify, locate, review, and declassify this vital information, subject to reasonable standards and limitations; and

Whereas, declassification and availability of these records would allow families of the missing and others in the private sector to conduct research, gain relevant information, and, thereby, hold the federal government accountable; and

Whereas, investigation and diplomatic efforts between the United States and wartime adversaries such as Russia, China, North Korea, and countries of Southeast Asia have yielded little to no public information about the status of missing American service personnel who were reportedly captured alive but not returned to the United States; and

Whereas, the "Bring Our Heroes Home Act", which has been introduced in the United States Senate as Senate Bill 2794 (2019), sponsored by Senator Mike Crapo (R-ID), sets forth an integrated process for comprehensive declassification of records pertaining to missing Armed Forces personnel records, subject to legitimate limitations and exceptions:

Now Therefore Be It Resolved that the members of the Missouri Senate, One Hundredth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby call on the Missouri members of the United States Senate to support and contribute to the early consideration and passage of the "Bring Our Heroes Home Act"; and

Be It Further Resolved that the members of the Missouri General Assembly hereby call on all members of the Missouri Congressional delegation to lend their influence to the cause of resolving the cases of all Missourians who remain unaccounted for from past conflicts; and

Be It Further Resolved that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for each member of the Missouri Congressional delegation.

Approved May 11, 2020

SCR 38

Disapproves the Missouri Hazardous Waste Management Commission's recommendations regarding the fees and taxes of the Hazardous Waste Commission.

Relating to the disapproval of the Missouri Hazardous Waste Management Commission's recommendations regarding the fees and taxes of the Hazardous Waste Management Commission.

Whereas, the Hazardous Waste Management Commission of the State of Missouri is required pursuant to Sections 260.380 and 260.475 of the Revised Statutes of Missouri to complete a comprehensive review of the fee structure of hazardous waste management fees and promulgate by regulation a rule adopting any updated fees based on its comprehensive review; and

Whereas, on August 30, 2019, the Hazardous Waste Management Commission filed with the Secretary of State a proposed amendment to 10 CSR 25-12.010 Fees and Taxes; and

Whereas, the proposed amendment to 10 CSR 25-12.010 increases the fees to generators of hazardous waste beyond the level which the General Assembly considers to be fair and reasonable; and

Whereas, Sections 260.380 and 260.475 of the Revised Statutes of Missouri permits the General Assembly to disapprove, within the first sixty days of the regular session, the promulgated fee changes:

Now Therefore Be It Resolved that the members of the Missouri Senate, One Hundredth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby disapprove of the new fees and taxes contained in the proposed amendment to 10 CSR 25-12.010 and provide that the Hazardous Waste Management Commission shall continue to use values set forth in the most recent preceding regulation promulgated under Sections 260.380 and 260.475 of the Revised Statutes of Missouri; and

Be It Further Resolved that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for Governor Mike Parson and the Missouri Hazardous Waste Management Commission.

Approved May 27, 2020

NOVEMBER 3, 2020

SJR 38 [SS No. 3 SJR 38]

Proposes a constitutional amendment which modifies provisions regulating the legislature to limit the influence of partisan or other special interests.

CONSTITUTIONAL AMENDMENT NO. 3. — (Proposed by the 100th General Assembly, Second Regular Session, SJR 38)

Official Ballot Title:

Shall the Missouri Constitution be amended to:

- Ban gifts from paid lobbyists to legislators and their employees;
- Reduce legislative campaign contribution limits;
- Change the redistricting process voters approved in 2018 by: (i) transferring responsibility for drawing state legislative districts from the Nonpartisan State Demographer to Governor-appointed bipartisan commissions; (ii) modifying and reordering the redistricting criteria.

State governmental entities expect no cost or savings. Individual local governmental entities expect significant decreased revenues of a total unknown amount.

Fair Ballot Language:

A “yes” vote will amend the Missouri Constitution to reduce the limits on campaign contributions that candidates for state senator can accept from individuals or entities by \$100 per election. There is no change for candidates for state representative.

The amendment prohibits state legislators and their employees from accepting a gift of any value (which is currently \$5) from paid lobbyists or the lobbyists’ clients.

The amendment modifies the criteria for redrawing legislative districts and changes the process for redrawing state legislative district boundaries during redistricting by giving redistricting responsibility to a bipartisan commission, renames them, and increases membership to 20 by adding four commissioners appointed by the Governor from nominations by the two major political party’s state committees.

A “no” vote will not amend the Missouri Constitution regarding campaign contributions, lobbyist gifts, and the process and criteria for redistricting.

If passed, this measure will have no direct impact on taxes.

JOINT RESOLUTION Submitting to the qualified voters of Missouri, an amendment repealing sections 2, 3, and 7 of article III of the Constitution of Missouri, and adopting three new sections in lieu thereof relating to regulating the legislature to limit the influence of partisan or other special interests.

SECTION

- A. Enacting clause.
- 2. Prohibited activities by General Assembly members and employees — campaign contribution limits and restrictions.
- 3. Election of representatives — legislative redistricting methods — house independent bipartisan citizens commission, appointment, duties, compensation — court actions, procedure.
- 7. Senate independent bipartisan citizens commission, appointment, duties, compensation — court actions, procedure.
- B. Ballot language.

Be it resolved by the Senate, the House of Representatives concurring therein:

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 2020, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to article III of the Constitution of the state of Missouri::

SECTION A. ENACTING CLAUSE. — Sections 2, 3, and 7, article III, Constitution of Missouri, are repealed and three new sections adopted in lieu thereof, to be known as sections 2, 3, and 7, to read as follows:

SECTION 2. PROHIBITED ACTIVITIES BY GENERAL ASSEMBLY MEMBERS AND EMPLOYEES — CAMPAIGN CONTRIBUTION LIMITS AND RESTRICTIONS. — (a) After December 6, 2018, no person serving as a member of or employed by the general assembly shall act or serve as a paid lobbyist, register as a paid lobbyist, or solicit prospective employers or clients to represent as a paid lobbyist during the time of such service until the expiration of two calendar years after the conclusion of the session of the general assembly in which the member or employee last served and where such service was after December 6, 2018.

(b) No person serving as a member of or employed by the general assembly shall accept directly or indirectly a gift of any tangible or intangible item, service, or thing of value from any paid lobbyist or lobbyist principal [in excess of five dollars per occurrence]. This Article shall not prevent candidates for the general assembly, including candidates for reelection, or candidates for offices within the senate or house from accepting campaign contributions consistent with this Article and applicable campaign finance law. Nothing in this section shall prevent individuals from receiving gifts, family support or anything of value from those related to them within the fourth degree by blood or marriage. [The dollar limitations of this section shall be increased or decreased each year by the percentage of increase or decrease from the end of the previous calendar year of the Consumer Price Index, or successor index as published by the U.S. Department of Labor, or its successor agency, and rounded to the nearest dollar amount.]

(c) The general assembly shall make no law authorizing unlimited campaign contributions to candidates for the general assembly, nor any law that circumvents the contribution limits contained in this Constitution. In addition to other campaign contribution limitations or restrictions provided for by law, the amount of contributions made to or accepted by any candidate or candidate committee from any person other than the candidate in any one election [for the general assembly] to the office of state representative or state senator shall not exceed the following:

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

(1) To elect an individual to the office of state senator, two thousand [five] four hundred dollars; and

(2) To elect an individual to the office of state representative, two thousand dollars.

The contribution limits and other restrictions of this section shall also apply to any person exploring a candidacy for [a public office listed in this subsection] the office of state representative or state senator.

[For purposes of this subsection, "base year amount" shall be the contribution limits prescribed in this section. Contribution limits set forth herein shall be adjusted on the first day of January in each even-numbered year hereafter by multiplying the base year amount by the cumulative Consumer Price Index and rounded to the nearest dollar amount, for all years after 2018.]

(d) No contribution to a candidate for legislative office shall be made or accepted, directly or indirectly, in a fictitious name, in the name of another person, or by or through another person in such a manner as to, or with the intent to, conceal the identity of the actual source of the contribution. There shall be a rebuttable presumption that a contribution to a candidate for public office is made or accepted with the intent to circumvent the limitations on contributions imposed in this section when a contribution is received from a committee or organization that is primarily funded by a single person, individual, or other committee that has already reached its contribution limit under any law relating to contribution limitations. A committee or organization shall be deemed to be primarily funded by a single person, individual, or other committee when the committee or organization receives more than fifty percent of its annual funding from that single person, individual, or other committee.

(e) In no circumstance shall a candidate be found to have violated limits on acceptance of contributions if the Missouri ethics commission, its successor agency, or a court determines that a candidate has taken no action to indicate acceptance of or acquiescence to the making of an expenditure that is deemed a contribution pursuant to this section.

(f) No candidate shall accept contributions from any federal political action committee unless the committee has filed the same financial disclosure reports that would be required of a Missouri political action committee.

SECTION 3. ELECTION OF REPRESENTATIVES — LEGISLATIVE REDISTRICTING METHODS — HOUSE INDEPENDENT BIPARTISAN CITIZENS COMMISSION, APPOINTMENT, DUTIES, COMPENSATION — COURT ACTIONS, PROCEDURE. — (a) [There is hereby established the post of "Nonpartisan State Demographer". The nonpartisan state demographer shall acquire appropriate information to develop procedures in preparation for drawing legislative redistricting maps on the basis of each federal census for presentation to the house apportionment commission and the senatorial apportionment commission.

(b) The nonpartisan state demographer shall be selected through the following process. First, state residents may apply for selection to the state auditor using an application developed by the state auditor to determine an applicant's qualifications and expertise relevant to the position. Second, the state auditor shall deliver to the majority leader and minority leader of the senate a list of at least three applicants with sufficient expertise and qualifications, as determined by the state auditor, to perform the duties of

the nonpartisan state demographer. Third, if the majority leader and minority leader of the senate together agree that a specific applicant should be selected to be the nonpartisan state demographer, that applicant shall be selected and the selection process shall cease. Fourth, if the majority leader and minority leader of the senate cannot together agree on an applicant, they may each remove a number of applicants on the state auditor's list equal to one-third of the total number of applicants on that list, rounded down to the next integer, and the state auditor shall then conduct a random lottery of the applicants remaining after removal to select the nonpartisan state demographer. The state auditor shall prescribe a time frame and deadlines for this application and selection process that both encourages numerous qualified applicants and avoids delay in selection. The nonpartisan state demographer shall serve a term of five years and may be reappointed. To be eligible for the nonpartisan state demographer position, an individual shall not have served in a partisan, elected position for four years prior to the appointment. The nonpartisan state demographer shall be disqualified from holding office as a member of the general assembly for four years following the date of the presentation of his or her most recent legislative redistricting map to the house apportionment commission or the senatorial apportionment commission.

(c)] The house of representatives shall consist of one hundred sixty-three members elected at each general election and [apportioned] redistricted as provided in this section.

[(1)] (b) [Within ten days after the population of this state is reported to the President for each decennial census of the United States or, in the event that a reapportionment has been invalidated by a court of competent jurisdiction, within ten days after such a ruling has been made, the nonpartisan state demographer] The house independent bipartisan citizens commission shall [begin the preparation of legislative districting plans and maps] redistrict the house of representatives using the following methods, listed in order of priority:

[a.] (1) Districts shall be [established on the basis of total] as nearly equal as practicable in population. Legislative districts shall each have a total population as nearly equal as practicable to the ideal population for such districts, determined by dividing the number of districts to be established into the total population of the state reported in the federal decennial census], and shall be drawn on the basis of one person, one vote. Districts are as nearly equal as practicable in population if no district deviates by more than one percent from the ideal population of the district, as measured by dividing the number of districts into the statewide population data being used, except that a district may deviate by up to three percent if necessary to follow political subdivision lines consistent with subdivision (4) of this subsection;

[b.] (2) Districts shall be established in a manner so as to comply with all requirements of the United States Constitution and applicable federal laws, including, but not limited to, the Voting Rights Act of 1965 (as amended). [Notwithstanding any other provision of this Article, districts shall not be drawn with the intent or result of denying or abridging the equal opportunity of racial or language minorities to participate in the political process or diminishing their ability to elect representatives of their choice, whether by themselves or by voting in concert with other persons.] The

following principles shall take precedence over any other part of this constitution: no district shall be drawn in a manner which results in a denial or abridgment of the right of any citizen of the United States to vote on account of race or color; and no district shall be drawn such that members of any community of citizens protected by the preceding clause have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice;

[Districts shall be designed in a manner that achieves both partisan fairness and, secondarily, competitiveness. "Partisan fairness" means that parties shall be able to translate their popular support into legislative representation with approximately equal efficiency. "Competitiveness" means that parties' legislative representation shall be substantially and similarly responsive to shifts in the electorate's preferences.

To this end, the nonpartisan state demographer shall calculate the average electoral performance of the two parties receiving the most votes in the three preceding elections for governor, for United States Senate, and for President of the United States. This index shall be defined as the total votes received by each party in the three preceding elections for governor, for United States Senate, and for President of the United States, divided by the total votes cast for both parties in these elections. Using this index, the nonpartisan state demographer shall calculate the total number of wasted votes for each party, summing across all of the districts in the plan. "Wasted votes" are votes cast for a losing candidate or for a winning candidate in excess of the fifty percent threshold needed for victory. In any plan of apportionment and map of the proposed districts submitted to the respective apportionment commission, the nonpartisan state demographer shall ensure the difference between the two parties' total wasted votes, divided by the total votes cast for the two parties, is as close to zero as practicable.

To promote competitiveness, the nonpartisan state demographer shall use the electoral performance index to simulate elections in which the hypothetical statewide vote shifts by one percent, two percent, three percent, four percent, and five percent in favor of each party. The vote in each individual district shall be assumed to shift by the same amount as the statewide vote. The nonpartisan state demographer shall ensure that, in each of these simulated elections, the difference between the two parties' total wasted votes, divided by the total votes cast for the two parties, is as close to zero as practicable;

c.] **(3)** Subject to the requirements of [paragraphs a. and b. of this subdivision] subdivisions (1) and (2) of this subsection, districts shall be composed of contiguous territory as compact as may be. Areas which meet only at the points of adjoining corners are not contiguous. In general, compact districts are those which are square, rectangular, or hexagonal in shape to the extent permitted by natural or political boundaries;

[d.] **(4)** To the extent consistent with [paragraphs a. to c. of this subdivision, district boundaries shall coincide with the boundaries of political subdivisions of the state. The number of counties and cities divided among more than one district shall be as small as possible. When there is a choice between dividing local political subdivisions, the more populous subdivisions shall be divided before the less populous, but this preference shall not apply to a legislative district boundary drawn along a county line which passes through a city that lies in more than one county] subdivisions

(1) to (3) of this subsection, communities shall be preserved. Districts shall satisfy this requirement if district lines follow political subdivision lines to the extent possible, using the following criteria, in order of priority. First, each county shall wholly contain as many districts as its population allows. Second, if a county wholly contains one or more districts, the remaining population shall be wholly joined in a single district made up of population from outside the county. If a county does not wholly contain a district, then no more than two segments of a county shall be combined with an adjoining county. Third, split counties and county segments, defined as any part of the county that is in a district not wholly within that county, shall each be as few as possible. Fourth, as few municipal lines shall be crossed as possible;

[e. Preference shall be that districts are compact in form, but the standards established by paragraphs a. to d. of this subdivision take precedence over compactness where a conflict arises between compactness and these standards. In general, compact districts are those which are square, rectangular, or hexagonal in shape to the extent permitted by natural or political boundaries.]

(5) Districts shall be drawn in a manner that achieves both partisan fairness and, secondarily, competitiveness, but the standards established by subdivisions (1) to (4) of this subsection shall take precedence over partisan fairness and competitiveness. "Partisan fairness" means that parties shall be able to translate their popular support into legislative representation with approximately equal efficiency. "Competitiveness" means that parties' legislative representation shall be substantially and similarly responsive to shifts in the electorate's preferences.

To this end, the average electoral performance of the two political parties receiving the most votes in the three preceding general elections for governor, for United States Senate, and for President of the United States shall be calculated. This index shall be defined as the total votes received by each party in the three preceding general elections for governor, for United States Senate, and for President of the United States, divided by the total votes cast for both parties in these elections. Using this index, the total number of wasted votes for each party, summing across all of the districts in the plan shall be calculated. "Wasted votes" are votes cast for a losing candidate or for a winning candidate in excess of the threshold needed for victory. In any redistricting plan and map of the proposed districts, the difference between the two parties' total wasted votes, divided by the total votes cast for the two parties, shall not exceed fifteen percent.

To promote competitiveness, the electoral performance index shall be used to simulate elections in which the hypothetical statewide vote shifts by one percent, two percent, three percent, four percent, and five percent in favor of each party. The vote in each individual district shall be assumed to shift by the same amount as the statewide vote. In each of these simulated elections, the difference between the two parties' total wasted votes, divided by the total votes cast for the two parties, shall not exceed fifteen percent.

[(2)] (c) Within sixty days after the population of this state is reported to the President for each decennial census of the United States or, in the event that a [reapportionment] redistricting plan has been invalidated by a court of competent jurisdiction, within sixty days that such a ruling has been made, the state committee and

the congressional district [committee] committees of each of the two political parties casting the highest vote for governor at the last preceding general election shall meet and the members of [the] each committee shall nominate, by a majority vote of the elected members of the committee present, provided that a majority of the elected members is present, [two] members of their party, residents in that district, in the case of a congressional district committee, as nominees for [reapportionment commissioners] the house independent bipartisan citizens commission. [Neither] No party shall select more than one nominee from any one state legislative district. The congressional district committees shall each submit to the governor their list of two elected nominees. The state committees shall each submit to the governor their list of five elected nominees. Within thirty days thereafter, the governor shall appoint a house independent bipartisan citizens commission consisting of one [name] nominee from each list submitted by each congressional district committee and two nominees from each list submitted by each state committee to [reapportion] redistrict the state into one hundred and sixty-three representative districts and to establish the numbers and boundaries of said districts. No person shall be appointed to both the house independent bipartisan citizens commission and the senate independent bipartisan citizens commission during the same redistricting cycle.

If any [of the congressional committees] committee fails to submit a list within such time, the governor shall appoint a member of his or her own choice [from that district and] from the political party of the committee failing to [make the appointment] submit a list, provided that in the case of a congressional district committee failing to submit a list, the person appointed to the commission by the governor shall reside in the congressional district of such committee.

Members of the commission shall be disqualified from holding office as members of the general assembly for four years following the date of the filing by the commission of its final [statement of apportionment] redistricting plan.

For the purposes of this Article, the term congressional district committee or congressional district refers to the congressional district committee or the congressional district from which a congressman was last elected, or, in the event members of congress from this state have been elected at large, the term congressional district committee refers to those persons who last served as the congressional district committee for those districts from which congressmen were last elected, and the term congressional district refers to those districts from which congressmen were last elected. Any action pursuant to this section by the congressional district committee shall take place only at duly called meetings, shall be recorded in their official minutes and only members present in person shall be permitted to vote.

[(3) Within six months after the population of this state is reported to the President for each decennial census of the United States or, in the event that a reapportionment has been invalidated by a court of competent jurisdiction, within six months after such a ruling has been made, the nonpartisan state demographer shall make public and file with the secretary of state and with the house apportionment commission a tentative plan of apportionment and map of the proposed districts, as well as all demographic and partisan data used in the creation of the plan and map.]

(d) The commissioners so selected shall, [within ten days of receiving the tentative plan of apportionment and map of the proposed districts,] on the fifteenth day, excluding Sundays and state holidays, after all members have been appointed, meet in the capitol building and proceed to organize by electing from their number a chairman, vice chairman and secretary. The commission shall adopt an agenda establishing at least three hearing dates on which hearings open to the public shall be held to hear objections or testimony from interested persons. A copy of the agenda shall be filed with the clerk of the house of representatives within twenty-four hours after its adoption. Executive meetings may be scheduled and held as often as the commission deems advisable.

[The commission may make changes to the tentative plan of apportionment and map of the proposed districts received from the nonpartisan state demographer provided that such changes are consistent with this section and approved by a vote of at least seven-tenths of the commissioners. If no changes are made or approved as provided for in this subsection, the tentative plan of apportionment and map of proposed districts shall become final. Not later than two months of receiving the tentative plan of apportionment and map of the proposed districts, the commission shall file with the secretary of state a final statement of the numbers and the boundaries of the districts together with a map of the districts.]

(e) Not later than five months after the appointment of the commission, the commission shall file with the secretary of state a tentative redistricting plan and map of the proposed districts and during the ensuing fifteen days shall hold such public hearings as may be necessary to hear objections or testimony of interested persons. The commission shall make public the tentative redistricting plan and map of the proposed districts, as well as all demographic and partisan data used in the creation of the plan and map.

(f) Not later than six months after the appointment of the commission, the commission shall file with the secretary of state a final statement of the numbers and the boundaries of the districts together with a map of the districts, and no statement shall be valid unless approved by at least seven-tenths of the members.

(g) After the final statement is filed, members of the house of representatives shall be elected according to such districts until a new redistricting plan is made as provided in this section, except that if the final statement is not filed within six months of the time fixed for the appointment of the commission, the commission shall stand discharged and the house of representatives shall be redistricted using the same methods and criteria as described in subsection (b) of this section by a commission of six members appointed from among the judges of the appellate courts of the state of Missouri by the state supreme court, a majority of whom shall sign and file its redistricting plan and map with the secretary of state within ninety days of the date of the discharge of the house independent bipartisan citizens commission. The judicial commission shall make public the tentative redistricting plan and map of the proposed districts, as well as all demographic and partisan data used in the creation of the plan and map. Thereafter, members of the house of representatives shall be elected according to such districts until a redistricting plan is made as provided in this section.

(h) Each member of the commission shall receive as compensation fifteen dollars a day for each day the commission is in session but not more than one thousand dollars, and, in addition, shall be reimbursed for his or her actual and necessary expenses incurred while serving as a member of the commission.

(i) No [reapportionment] redistricting plan shall be subject to the referendum.

(j) Any action expressly or implicitly alleging that a redistricting plan violates this Constitution, federal law, or the United States Constitution shall be filed in the circuit court of Cole County and shall name the body that approved the challenged redistricting plan as a defendant. Only an eligible Missouri voter who sustains an individual injury by virtue of residing in a district that exhibits the alleged violation, and whose injury is remedied by a differently drawn district, shall have standing. If the court renders a judgment in which it finds that a completed redistricting plan exhibits the alleged violation, its judgment shall adjust only those districts, and only those parts of district boundaries, necessary to bring the map into compliance. The supreme court shall have exclusive appellate jurisdiction upon the filing of a notice of appeal within ten days after the judgment has become final.

SECTION 7. SENATE INDEPENDENT BIPARTISAN CITIZENS COMMISSION, APPOINTMENT, DUTIES, COMPENSATION — COURT ACTIONS, PROCEDURE. — (a) [Within ten days after the population of this state is reported to the President for each decennial census of the United States or, in the event that a reapportionment has been invalidated by a court of competent jurisdiction, within ten days after such a ruling has been made, the nonpartisan state demographer authorized in Article III, Section 3 shall begin the preparation of senatorial districting plans and maps using the same methods and criteria as those required by Article III, Section 3 for the establishment of districts for the house of representatives.

(b)] Within sixty days after the population of this state is reported to the President for each decennial census of the United States, or within sixty days after a [reapportionment] redistricting plan has been invalidated by a court of competent jurisdiction, the state committee and the congressional district committees of each of the two political parties casting the highest vote for governor at the last preceding general election shall[, at a committee meeting duly called, select by a vote of the individual committee members, and thereafter submit to the governor a list of ten persons, and] meet and the members of each committee shall nominate, by a majority vote of the elected members of the committee present, provided that a majority of the elected members is present, members of their party, residents in that district, in the case of a congressional district committee, as nominees for the senate independent bipartisan citizens commission. No party shall select more than one nominee from any one state legislative district. The congressional district committees shall each submit to the governor their list of two elected nominees. The state committees shall each submit to the governor their list of five elected nominees. Within thirty days thereafter the governor shall appoint a senate independent bipartisan citizens commission consisting of [ten members, five] two nominees from each list submitted by each state committee and one nominee from each list submitted by each congressional district committee, to [reapportion] redistrict the thirty-four senatorial districts and to establish the numbers

and boundaries of said districts. No person shall be appointed to both the house independent bipartisan citizens commission and the senate independent bipartisan citizens commission during the same redistricting cycle.

If [either of the party committees] any committee fails to submit a list within such time, the governor shall appoint [five members] a member of his or her own choice from the political party of the committee [so] failing to [act] submit a list, provided that in the case of a congressional district committee failing to submit a list, the person appointed to the commission by the governor shall reside in the congressional district of such committee.

Members of the commission shall be disqualified from holding office as members of the general assembly for four years following the date of the filing by the commission of its final [statement of apportionment] redistricting plan.

(c) Within six months after the population of this state is reported to the President for each decennial census of the United States or in the event that a reapportionment has been invalidated by a court of competent jurisdiction, within six months after such a ruling has been made, the nonpartisan state demographer shall file with the secretary of state and with the senatorial apportionment commission a tentative plan of apportionment and map of the proposed districts.]

(b) The commissioners so selected shall [within ten days of receiving the tentative plan of apportionment and map of the proposed districts required by this subsection], on the fifteenth day, excluding Sundays and state holidays, after all members have been appointed, meet in the capitol building and proceed to organize by electing from their number a chairman, vice chairman and secretary. The commission shall adopt an agenda establishing at least three hearing dates on which hearings open to the public shall be held to hear objections or testimony from interested persons. A copy of the agenda shall be filed with the secretary of the senate within twenty-four hours after its adoption. Executive meetings may be scheduled and held as often as the commission deems advisable. [The commission may make changes to the tentative plan of apportionment and map of the proposed districts received from the nonpartisan state demographer provided that such changes are consistent with this section and the methods and criteria required by Section 3 of this Article for the establishment of districts for the house of representatives and approved by a vote of at least seven-tenths of the commissioners. If no changes are made or approved as provided for in this subsection, the tentative plan of apportionment and map of proposed districts shall become final. Not later than two months after receiving the tentative plan of apportionment and map of the proposed districts, the commission shall file with the secretary of state a final statement of the numbers and the boundaries of the districts together with a map of the districts.]

(c) The senate independent bipartisan citizens commission shall redistrict the senate using the same methods and criteria as those required by subsection (b), section 3 of this article for the redistricting of the house of representatives.

(d) Not later than five months after the appointment of the senate independent bipartisan citizens commission, the commission shall file with the secretary of state a tentative redistricting plan and map of the proposed districts and during the ensuing fifteen days shall hold such public hearings as may be necessary to hear objections or

testimony of interested persons. The commission shall make public the tentative redistricting plan and map of the proposed districts, as well as all demographic and partisan data used in the creation of the plan and map.

(e) Not later than six months after the appointment of the commission, the commission shall file with the secretary of state a final statement of the numbers and the boundaries of the districts together with a map of the districts, and no statement shall be valid unless approved by at least seven-tenths of the members.

(f) After the final statement is filed, senators shall be elected according to such districts until a new redistricting plan is made as provided in this section, except that if the final statement is not filed within six months of the time fixed for the appointment of the commission, the commission shall stand discharged and the senate shall be redistricted using the same methods and criteria as described in subsection (b) of section 3 of this article by a commission of six members appointed from among the judges of the appellate courts of the state of Missouri by the state supreme court, a majority of whom shall sign and file its redistricting plan and map with the secretary of state within ninety days of the date of the discharge of the senate independent bipartisan citizens commission. The judicial commission shall make public the tentative redistricting plan and map of the proposed districts, as well as all demographic and partisan data used in the creation of the plan and map. Thereafter, senators shall be elected according to such districts until a redistricting plan is made as provided in this section.

(g) Each member of the commission shall receive as compensation fifteen dollars a day for each day the commission is in session, but not more than one thousand dollars, and, in addition, shall be reimbursed for his or her actual and necessary expenses incurred while serving as a member of the commission.

(h) No [reapportionment] redistricting plan shall be subject to the referendum.

(i) Any action expressly or implicitly alleging that a redistricting plan violates this Constitution, federal law, or the United States Constitution shall be filed in the circuit court of Cole County and shall name the body that approved the challenged redistricting plan as a defendant. Only an eligible Missouri voter who sustains an individual injury by virtue of residing in a district that exhibits the alleged violation, and whose injury is remedied by a differently drawn district, shall have standing. If the court renders a judgment in which it finds that a completed redistricting plan exhibits the alleged violation, its judgment shall adjust only those districts, and only those parts of district boundaries, necessary to bring the map into compliance. The supreme court shall have exclusive appellate jurisdiction upon the filing of a notice of appeal within ten days after the judgment has become final.

SECTION B. BALLOT LANGUAGE. — Pursuant to chapter 116, and other applicable constitutional provisions and laws of this state allowing the general assembly to adopt ballot language for the submission of this joint resolution to the voters of this state, the official summary statement of this resolution shall be as follows:

"Shall the Missouri Constitution be amended to:

- Ban all lobbyist gifts to legislators and their employees;
- Reduce legislative campaign contribution limits; and

- Create citizen-led independent bipartisan commissions to draw state legislative districts based on one person, one vote, minority voter protection, compactness, competitiveness, fairness, and other criteria?"

FOR — 1,489,503; AGAINST — 1,430,358

NOVEMBER 3, 2020

CONSTITUTIONAL AMENDMENT NO. 1 — (Proposed by the 100th General Assembly, First Regular Session, SJRs 14 & 9)

Official Ballot Title:

Do you want to amend the Missouri Constitution to extend the two term restriction that currently applies to the Governor and Treasurer to the Lt. Governor, Secretary of State, Auditor and the Attorney General?

State and local governmental entities estimate no costs or savings from this proposal.

Fair Ballot Language:

A “yes” vote will amend the Missouri Constitution to impose a two term restriction on all statewide elected officials, which currently only applies to the Governor and Treasurer.

A “no” vote will leave the terms that statewide elected officials may serve unchanged.

If passed, this measure will have no impact on taxes.

FOR—1,363,767; AGAINST—1,527,782

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LAWS PASSED

DURING THE

ONE HUNDREDTH

GENERAL ASSEMBLY,

FIRST EXTRAORDINARY

SESSION

(2020)

Convened Monday, July 27, 2020.
Adjourned Sine Die
Wednesday, September 16, 2020.

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HCS HB 46

Enacts provisions relating to residency requirements for certain municipal personnel, with an emergency clause.

AN ACT to repeal section 84.344, RSMo, and to enact in lieu thereof two new sections relating to residency requirements for certain municipal personnel, with an emergency clause.

A Enacting clause.

84.344 Establishment of municipal police force authorized — procedure — employment of commissioned and civil personnel — separate division to be established, procedure — benefits for personnel — transition committee, duties.

285.040 Public safety employees — residency requirements (City of St. Louis).

B Emergency clause.

Be it enacted by the General Assembly of the state of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Section 84.344, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 84.344 and 285.040, to read as follows:

84.344. ESTABLISHMENT OF MUNICIPAL POLICE FORCE AUTHORIZED — PROCEDURE — EMPLOYMENT OF COMMISSIONED AND CIVIL PERSONNEL — SEPARATE DIVISION TO BE ESTABLISHED, PROCEDURE — BENEFITS FOR PERSONNEL — TRANSITION COMMITTEE, DUTIES. — 1. Notwithstanding any provisions of this chapter to the contrary, any city not within a county may establish a municipal police force on or after July 1, 2013, according to the procedures and requirements of this section. The purpose of these procedures and requirements is to provide for an orderly and appropriate transition in the governance of the police force and provide for an equitable employment transition for commissioned and civilian personnel.

2. Upon the establishment of a municipal police force by a city under sections 84.343 to 84.346, the board of police commissioners shall convey, assign, and otherwise transfer to the city title and ownership of all indebtedness and assets, including, but not limited to, all funds and real and personal property held in the name of or controlled by the board of police commissioners created under sections 84.010 to 84.340. The board of police commissioners shall execute all documents reasonably required to accomplish such transfer of ownership and obligations.

3. If the city establishes a municipal police force and completes the transfer described in subsection 2 of this section, the city shall provide the necessary funds for the maintenance of the municipal police force.

4. Before a city not within a county may establish a municipal police force under this section, the city shall adopt an ordinance accepting responsibility, ownership, and liability as successor-in-interest for contractual obligations, indebtedness, and other lawful obligations of the board of police commissioners subject to the provisions of subsection 2 of section 84.345.

5. A city not within a county that establishes a municipal police force shall initially employ, without a reduction in rank, salary, or benefits, all commissioned and civilian personnel of the board of police commissioners created under sections 84.010 to 84.340 that were employed by the board immediately prior to the date the municipal police force was established. Such commissioned personnel who previously were employed by the board may only be involuntarily terminated by the city not within a county for cause. The city shall also recognize all accrued years

of service that such commissioned and civilian personnel had with the board of police commissioners. Such personnel shall be entitled to the same holidays, vacation, and sick leave they were entitled to as employees of the board of police commissioners.

6. **(1) Commissioned and civilian personnel ~~[who were previously employed by the board]~~ of a municipal police force established under this section who are hired prior to September 1, 2023, shall ~~[continue to]~~ not be subject~~[-, throughout their employment for the city not within a county,]~~ to a residency ~~[rule no more restrictive than a]~~ requirement of retaining a primary residence in a city not within a county ~~[for a total of seven years and of then allowing them to]~~ but may be required to maintain a primary residence ~~[outside the city not within a county so long as the residence is]~~ located within a one-hour response time.**

(2) Commissioned and civilian personnel of a municipal police force established under this section who are hired after August 31, 2023, may be subject to a residency rule no more restrictive than a requirement of retaining a primary residence in a city not within a county for a total of seven years and of then allowing the personnel to maintain a primary residence outside the city not within a county so long as the primary residence is located within a one-hour response time.

7. The commissioned and civilian personnel who retire from service with the board of police commissioners before the establishment of a municipal police force under subsection 1 of this section shall continue to be entitled to the same pension benefits provided under chapter 86 and the same benefits set forth in subsection 5 of this section.

8. If the city not within a county elects to establish a municipal police force under this section, the city shall establish a separate division for the operation of its municipal police force. The civil service commission of the city may adopt rules and regulations appropriate for the unique operation of a police department. Such rules and regulations shall reserve exclusive authority over the disciplinary process and procedures affecting commissioned officers to the civil service commission; however, until such time as the city adopts such rules and regulations, the commissioned personnel shall continue to be governed by the board of police commissioner's rules and regulations in effect immediately prior to the establishment of the municipal police force, with the police chief acting in place of the board of police commissioners for purposes of applying the rules and regulations. Unless otherwise provided for, existing civil service commission rules and regulations governing the appeal of disciplinary decisions to the civil service commission shall apply to all commissioned and civilian personnel. The civil service commission's rules and regulations shall provide that records prepared for disciplinary purposes shall be confidential, closed records available solely to the civil service commission and those who possess authority to conduct investigations regarding disciplinary matters pursuant to the civil service commission's rules and regulations. A hearing officer shall be appointed by the civil service commission to hear any such appeals that involve discipline resulting in a suspension of greater than fifteen days, demotion, or termination, but the civil service commission shall make the final findings of fact, conclusions of law, and decision which shall be subject to any right of appeal under chapter 536.

9. A city not within a county that establishes and maintains a municipal police force under this section:

(1) Shall provide or contract for life insurance coverage and for insurance benefits providing health, medical, and disability coverage for commissioned and civilian personnel of the municipal police force to the same extent as was provided by the board of police commissioners under section 84.160;

(2) Shall provide or contract for medical and life insurance coverage for any commissioned or civilian personnel who retired from service with the board of police commissioners or who were

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Matter in bold-face type is proposed language.

employed by the board of police commissioners and retire from the municipal police force of a city not within a county to the same extent such medical and life insurance coverage was provided by the board of police commissioners under section 84.160;

(3) Shall make available medical and life insurance coverage for purchase to the spouses or dependents of commissioned and civilian personnel who retire from service with the board of police commissioners or the municipal police force and deceased commissioned and civilian personnel who receive pension benefits under sections 86.200 to 86.366 at the rate that such dependent's or spouse's coverage would cost under the appropriate plan if the deceased were living; and

(4) May pay an additional shift differential compensation to commissioned and civilian personnel for evening and night tours of duty in an amount not to exceed ten percent of the officer's base hourly rate.

10. A city not within a county that establishes a municipal police force under sections 84.343 to 84.346 shall establish a transition committee of five members for the purpose of: coordinating and implementing the transition of authority, operations, assets, and obligations from the board of police commissioners to the city; winding down the affairs of the board; making nonbinding recommendations for the transition of the police force from the board to the city; and other related duties, if any, established by executive order of the city's mayor. Once the ordinance referenced in this section is enacted, the city shall provide written notice to the board of police commissioners and the governor of the state of Missouri. Within thirty days of such notice, the mayor shall appoint three members to the committee, two of whom shall be members of a statewide law enforcement association that represents at least five thousand law enforcement officers. The remaining members of the committee shall include the police chief of the municipal police force and a person who currently or previously served as a commissioner on the board of police commissioners, who shall be appointed to the committee by the mayor of such city.

285.040. PUBLIC SAFETY EMPLOYEES — RESIDENCY REQUIREMENTS (CITY OF ST. LOUIS). — 1. As used in this section, "public safety employee" shall mean a person trained or authorized by law or rule to render emergency medical assistance or treatment, including, but not limited to, firefighters, ambulance attendants and attendant drivers, emergency medical technicians, emergency medical technician paramedics, dispatchers, registered nurses, physicians, and sheriffs and deputy sheriffs.

2. No public safety employee of a city not within a county who is hired prior to September 1, 2023, shall be subject to a residency requirement of retaining a primary residence in a city not within a county but may be required to maintain a primary residence located within a one-hour response time.

3. Public safety employees of a city not within a county who are hired after August 31, 2023, may be subject to a residency rule no more restrictive than a requirement of retaining a primary residence in a city not within a county for a total of seven years and of then allowing the public safety employee to maintain a primary residence outside the city not within a county so long as the primary residence is located within a one-hour response time.

SECTION B. EMERGENCY CLAUSE.— Because immediate action is necessary to further equip and enhance our criminal justice system to fight violent crime in Missouri and protect our citizens and residents from the recent unprecedented wave of violent crime across our nation and state, the enactment of section 285.040 and the repeal and reenactment of section 84.344 of this act are deemed necessary for the immediate preservation of the public health, welfare, peace, and safety

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and are hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 285.040 and the repeal and reenactment of section 84.344 of this act shall be in full force and effect upon its passage and approval.

Approved September 21, 2020

HB 66

Enacts provisions relating to witness protection programs, with an emergency clause.

AN ACT To amend chapter 491, RSMo, by adding thereto one new section relating to witness protection programs, with an emergency clause.

A Enacting clause.

491.641 Pretrial witness protection services fund created — use of moneys — application, contents, closed record.

B Emergency clause.

Be it enacted by the General Assembly of the state of Missouri, as follows:

SECTION A. ENACTING CLAUSE. — Chapter 491, RSMo, is amended by adding thereto one new section, to be known as section 491.641, to read as follows:

491.641. PRETRIAL WITNESS PROTECTION SERVICES FUND CREATED — USE OF MONEYS — APPLICATION, CONTENTS, CLOSED RECORD. — 1. (1) There is hereby created in the state treasury the "Pretrial Witness Protection Services Fund", which shall consist of moneys collected under this section. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and money in the fund shall be used solely by the department of public safety for the purposes of witness protection services pursuant to this section.

(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

(3) The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

2. Any law enforcement agency may provide for the security of witnesses, potential witnesses, and their immediate families in criminal proceedings instituted or investigations pending against a person alleged to have engaged in a violation of state law. Providing for witnesses may include provision of housing facilities and for the health, safety, and welfare of such witnesses and their immediate families, if testimony by such a witness might subject the witness or a member of his or her immediate family to danger of bodily injury, and may continue so long as such danger exists. Subject to appropriations from the general assembly for the purposes provided for in this section, funds may be appropriated from the pretrial witness protection services fund.

3. The department of public safety may authorize funds to be disbursed to law enforcement agencies for the purchase, rental, or modification of protected housing facilities for the purpose of this section. The law enforcement agency may contract with any department of federal or state government to obtain or to provide the facilities or services to carry out this section.

4. The department of public safety may authorize expenditures for law enforcement agencies to provide for the health, safety, and welfare of witnesses and victims, and the families of such witnesses and victims, whenever testimony from, or a willingness to testify by, such a witness or victim would place the life of such person, or a member of his or her family or household, in jeopardy. A law enforcement agency shall submit an application to the department of public safety which shall include, but not necessarily be limited to:

- (1) Statement of conditions which qualify persons for protection;
- (2) Precise methods the originating agency will use to provide protection, including relocation of persons and reciprocal agreements with other law enforcement agencies;
- (3) Statement of the projected costs over a specified period of time;
- (4) If the requesting agency expects the person to provide evidence in any court of competent jurisdiction:
 - (a) Brief statement of the anticipated evidence;
 - (b) Certification of a reasonable belief in the person's competency to give evidence;
 - (c) Statement of facts supporting the law enforcement agency's belief in the accuracy of the evidence; and
 - (d) Any offer made in exchange for the person agreeing to give evidence.

5. The application submitted in subsection 4 of this section shall be a closed record and not subject to disclosure under the provisions of chapter 610. Any information contained in the application, or any other documents, which reveals or could reveal the location or address of the individual or individuals who qualify for services under this section shall be confidential and shall not be disclosed by any entity.

SECTION B. EMERGENCY CLAUSE. — Because immediate action is necessary to protect the citizens of Missouri from violent crime, section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this act shall be in full force and effect upon its passage and approval.

Approved September 21, 2020

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LAWS PASSED
DURING THE
ONE HUNDREDTH
GENERAL ASSEMBLY,
SECOND EXTRAORDINARY
SESSION
(2020)

Convened Thursday, November 5, 2020.
Adjourned Sine Die
Wednesday, December 16, 2020.

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HCS HB 14

Appropriates money for supplemental purposes.

AN ACT to appropriate money for supplemental purposes for the expenses, grants, refunds, and distributions of the several departments and offices of state government and the several divisions and programs thereof, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri for the fiscal period ending June 30, 2021.

Be it enacted by the General Assembly of the state of Missouri, as follows:

There is appropriated out of the State Treasury, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the purpose of funding each department, division, agency, and program described herein for the item or items stated, and for no other purpose whatsoever, chargeable to the fund designated for the period ending June 30, 2021, as follows:

SECTION 14.005. — To the Department of Elementary and Secondary Education
For the School Nutrition Services Program to reimburse schools for school food
programs
From Department of Elementary and Secondary Education Federal
Stimulus Fund (2300).....\$75,658,549

SECTION 14.010. — To the Department of Elementary and Secondary Education
For the Missouri Healthy Schools, Successful Students Program
From Department of Elementary and Secondary Education Federal
Stimulus Fund (2300).....\$266,463

SECTION 14.015. — To the Department of Higher Education and Workforce
Development
For job training and related activities
From Department of Higher Education and Workforce Development
Federal Stimulus Fund (2310)\$1,332,000

SECTION 14.020. — To the Office of Administration
For the Information Technology Services Division
For the Department of Labor and Industrial Relations
Personal Service.....\$250,000
Expense and Equipment.....5,850,000
From Department of Labor and Industrial Relations Federal Stimulus
Fund (2375).....\$6,100,000

SECTION 14.025. — To the Office of Administration
For the administrative, promotional, and programmatic costs of the Children's
Trust Fund Board as provided by Section 210.173, RSMo
Program Disbursements
From Children's Trust Fund (0694)\$250,000

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

SECTION 14.030. — To the Office of Administration

For the Division of Accounting

For reimbursing the Division of Employment Security benefit account for claims paid to former state employees for unemployment insurance coverage and for related professional services and further provided that no more than five percent (5%) flexibility is allowed between federal and other funds within this section

From General Revenue Fund (0101)	\$890,000
From Federal Funds (Various)	50,000
From Other Funds (Various)	<u>325,000</u>
Total.....	\$1,265,000

SECTION 14.035. — To the Department of Natural Resources

For the Low-Income Weatherization Assistance Program

From Department of Natural Resources Federal Stimulus Fund (2365)	\$33,168
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SECTION 14.040. — To the Department of Economic Development

For the Business and Community Solutions Division

For the Community Development Block Grant Program

For projects to support local community development activities

Expense and Equipment

From Department of Economic Development Federal Stimulus Fund (2360)	\$23,033,423
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SECTION 14.045. — To the Department of Labor and Industrial Relations

For the Division of Employment Security

For administration of programs authorized and funded by the United States Department of Labor, such as Disaster Unemployment Assistance (DUA), and provided that all funds shall be expended from discrete accounts and that no monies shall be expended for funding administration of these programs by the Division of Employment Security

From Department of Labor and Industrial Relations Federal Stimulus Fund (2375)	\$34,000,000
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SECTION 14.050. — To the Department of Public Safety Funds are to be transferred out of the State Treasury to the Pretrial Witness Protection Services Fund

From General Revenue Fund (0101)	\$1,000,000
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From Victims of Crime Act Federal Fund (0146)	<u>1,000,000</u>
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Total.....	\$2,000,000
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SECTION 14.055. — To the Department of Public Safety

For the Office of the Director

For witness protection services

From Pretrial Witness Protection Services Fund (0868)	\$2,000,000
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SECTION 14.060. — To the Department of Public Safety

For the State Emergency Management Agency

EXPLANATION--Matter enclosed in bold-faced brackets [thus] is not enacted and is intended to be omitted in the law.
Matter in bold-face type is proposed language.

For all allotments, grants, and contributions from federal and other sources that are deposited in the State Treasury for administrative and training expenses of the State Emergency Management Agency and for first responder training programs
From Department of Public Safety Federal Stimulus Fund (2330).....\$1,860,000

For expenses of any state agency responding during a declared emergency at the direction of the governor provided the services furnish immediate aid and relief, or for any expenses of the general assembly and judiciary incurred with respect to said emergency
From General Revenue Fund (0101) 10,000,000
From State Emergency Management Federal Stimulus Fund (2335)..... 752,487,096
Total.....\$764,347,096

SECTION 14.065. — To the Department of Mental Health

For the Office of the Director

For receiving and expending grants, donations, contracts, and payments from private, federal, and other governmental agencies which may become available between sessions of the General Assembly provided that the General Assembly shall be notified of the source of any new funds and the purpose for which they shall be expended, in writing, prior to the use of said funds
Personal Service..... \$53,882
Expense and Equipment..... 5,140,674
From Department of Mental Health Federal Fund (0148)\$5,194,556

SECTION 14.070. — To the Department of Health and Senior Services

For the Division of Community and Public Health

For the Office of Emergency Coordination

To address coronavirus preparedness and response
Personal Service..... \$732,279
Expense and Equipment and Program Distribution..... 5,574,307

From Department of Health and Senior Services Federal Stimulus Fund (2350)6,306,586

To provide coronavirus mitigation efforts including, but not limited to, testing, tracing, reporting, and related expenses

Personal Service..... 542,764
Expense and Equipment and Program Distribution..... 134,094,849

From Department of Health and Senior Services Federal Stimulus Fund (2350)..... 134,637,613

Total (Not to exceed 13.00 F.T.E.)\$140,944,199

SECTION 14.075. — To the Department of Health and Senior Services

For the Division of Regulation and Licensure

For program operations and support

Personal Service

From Department of Health and Senior Services Federal Stimulus Fund (2350)..... \$400,000

SECTION 14.080. — To the Department of Social Services

For the Family Support Division

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For the Emergency Solutions Grant Program
 From Department of Social Services Federal Stimulus Fund (2355).....\$18,747,277

SECTION 14.085. — To the Department of Social Services

For the Family Support Division
 For the Low-Income Home Energy Assistance Program
 From Department of Social Services Federal Stimulus Fund (2355).....\$298,512

SECTION 14.090. — To the Department of Social Services

For the Family Support Division
 For grants to not-for-profit organizations for services and programs to assist
 victims of domestic violence
 From Department of Social Services Federal Stimulus Fund (2355).....\$115,510

SECTION 14.095. — To the Department of Social Services

For the Family Support Division
 For business enterprise programs for the blind
 From Department of Social Services Federal Fund (0610).....\$13,500,000

SECTION 14.100. — To the Department of Social Services

For the Family Support Division
 For reimbursements to the federal government for federal Temporary Assistance
 for Needy Families payments, refunds of bonds, refunds of support
 payments or overpayments, and distributions to families
 From Department of Social Services Federal Fund (0610).....\$96,790,623

SECTION 14.105. — To the Department of Social Services

For the MO HealthNet Division
 For pharmaceutical payments under the MO HealthNet fee-for-service program,
 professional fees for pharmacists, and for a comprehensive chronic care risk
 management program
 From Pharmacy Reimbursement Allowance Fund (0144)\$50,000,000

SECTION 14.110. — To the Department of Social Services

For the MO HealthNet Division
 For Pharmacy Reimbursement Allowance payments as provided by law
 From Pharmacy Reimbursement Allowance Fund (0144)\$43,000,000

Bill Totals

General Revenue Fund.....\$11,890,000
 Federal Funds.....1,171,811,376
 Other Funds.....93,575,000
 Total.....\$1,277,276,376

Approved December 11, 2020

SUBJECT INDEX

FOR

ONE HUNDREDTH

GENERAL ASSEMBLY,

SECOND REGULAR SESSION

(2020)

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100TH GENERAL ASSEMBLY, SECOND REGULAR SESSION**ACCOUNTANTS**

HB 2046 Modifies provisions relating to professional registration

ADMINISTRATION, OFFICE OF

SB 739 Prohibits public bodies from entering into certain contracts

HB 1330 Authorizes the conveyance of certain state property located in Cole County, Callaway County, St. Francois County, Randolph County, and Ste. Genevieve County

AGRICULTURE

HB 1711 Modifies provisions relating to the liability for distribution of donated shelf stable food

AGRICULTURE, DEPARTMENT OF

HB 1711 Modifies provisions relating to the liability for distribution of donated shelf stable food

AIRCRAFT AND AIRPORTS

HB 1963 Modifies provisions relating to transportation

AMBULANCES AND AMBULANCE DISTRICTS

HB 2456 Extends the sunset on certain health care provider federal reimbursement allowances

ANIMALS

SB 644 Modifies law regarding service animals

HB 1711 Modifies provisions relating to the liability for distribution of donated shelf stable food

APPROPRIATIONS

HB 2001 Appropriates money to the Board of Fund Commissioners

HB 2002 Appropriates money for the Department of Elementary and Secondary Education

HB 2003 Appropriates money for the Department of Higher Education and Workforce Development

HB 2004 Appropriates money for the Department of Revenue and the Department of Transportation

HB 2005 Appropriates money for the Office of Administration

HB 2006 Appropriates money to the Department of Agriculture, Department of Natural Resources, Department of Conservation

HB 2007 Appropriates money for Department of Economic Development, Department of Commerce and Insurance, Department of Labor and Industrial Relations

HB 2008 Appropriations for the Department of Public Safety

HB 2009 Appropriates money for the Department of Corrections

HB 2010 Appropriates money to the Department of Mental Health and the Department of Health and Senior Services

HB 2011 Appropriates money to the Department of Social Services

HB 2012 Appropriations money for Elected Officials, General Assembly, the Judiciary and the Public Defender

HB 2013 Appropriates money for statewide leasing

HB 2014 Provides for supplemental appropriations

HB 2015 Appropriates supplemental appropriations

HB 2017 Appropriates money for capital improvement projects

APPROPRIATIONS, CONTINUED

- HB 2018 Appropriates money for maintenance and repair of government offices
HB 2019 Appropriates money for capitol improvements

ARCHITECTS

- SB 913 Removes the expiration of the peer review process for architects, landscape architects, land surveyors, and engineers
HB 2046 Modifies provisions relating to professional registration

ATTORNEY GENERAL

- SB 569 Modifies provisions relating to victims of sexual offenses
SB 600 Modifies provisions relating to dangerous felonies
SB 718 Modifies provisions relating to military affairs (VETOED)
HB 1330 Authorizes the conveyance of certain state property located in Cole County, Callaway County, St. Francois County, Randolph County, and Ste. Genevieve County
HB 1854 Modifies provisions relating to political subdivisions (VETOED)

AUDITOR, STATE

- HB 1854 Modifies provisions relating to political subdivisions (VETOED)

BANKS AND FINANCIAL INSTITUTIONS

- SB 599 Modifies various provisions relating to financial instruments

BOARDS, COMMISSIONS, COMMITTEES, AND COUNCILS

- SCR 38 Disapproves the Missouri Hazardous Waste Management Commission's recommendations regarding the fees and taxes of the Hazardous Waste Management Commission
SB 551 Modifies provisions relating to insurance
SB 569 Modifies provisions relating to victims of sexual offenses
HB 1467 Modifies provisions relating to public employee retirement systems
HB 1854 Modifies provisions relating to political subdivisions (VETOED)
HB 2046 Modifies provisions relating to professional registration

BONDS - SURETY

- HB 1655 Modifies provisions on official documents

BUSINESS AND COMMERCE

- SB 599 Modifies various provisions relating to financial instruments
SB 644 Modifies law regarding service animals
HB 1511 Modifies provisions relating to professional licensing reciprocity

CHARITIES

- HB 1711 Modifies provisions relating to the liability for distribution of donated shelf stable food

CHILDREN AND MINORS

- SB 653 Modifies provisions relating to child protection
SB 718 Modifies provisions relating to military affairs (VETOED)
-

CHILDREN AND MINORS, CONTINUED

- HB 1414 Modifies provisions relating to child protection
HB 2120 Modifies provisions relating to the safety of utility infrastructure

CHILDREN'S DIVISION

- SB 653 Modifies provisions relating to child protection
SB 718 Modifies provisions relating to military affairs (VETOED)
HB 1414 Modifies provisions relating to child protection

CIRCUIT CLERKS

- HB 1655 Modifies provisions on official documents

CITIES, TOWNS, AND VILLAGES

- HB 1467 Modifies provisions relating to public employee retirement systems
HB 1768 Modifies provisions relating to communications services
HB 1854 Modifies provisions relating to political subdivisions (VETOED)
HB 2120 Modifies provisions relating to the safety of utility infrastructure

CIVIL PENALTIES

- HB 1655 Modifies provisions on official documents
HB 1711 Modifies provisions relating to the liability for distribution of donated shelf stable food

CIVIL PROCEDURE

- SB 591 Modifies provisions relating to civil actions, including punitive damages and unlawful merchandising practices

COMMERCE AND INSURANCE, DEPARTMENT OF

- SB 551 Modifies provisions relating to insurance
SB 599 Modifies various provisions relating to financial instruments
HB 2046 Modifies provisions relating to professional registration

CONSTITUTIONAL AMENDMENTS

- SJR 38 Modifies provisions regulating the legislature to limit the influence of partisan or other special interests
SJR 38 Modifies provisions regulating the legislature to limit the influence of partisan or other special interests

CONSUMER PROTECTION

- SB 551 Modifies provisions relating to insurance
SB 591 Modifies provisions relating to civil actions, including punitive damages and unlawful merchandising practices
HB 1963 Modifies provisions relating to transportation

CONTRACTS AND CONTRACTORS

- SB 739 Prohibits public bodies from entering into certain contracts
-

COSMETOLOGY

HB 2046 Modifies provisions relating to professional registration

COUNSELING

HB 2046 Modifies provisions relating to professional registration

COUNTIES

SB 676 Modifies several provisions relating to taxation
HB 1467 Modifies provisions relating to public employee retirement systems
HB 1768 Modifies provisions relating to communications services
HB 1854 Modifies provisions relating to political subdivisions (VETOED)

COUNTY GOVERNMENT

HB 1854 Modifies provisions relating to political subdivisions (VETOED)

COUNTY OFFICIALS

SB 631 Modifies provisions relating to elections
SB 676 Modifies several provisions relating to taxation
HB 1655 Modifies provisions on official documents
HB 1768 Modifies provisions relating to communications services
HB 1854 Modifies provisions relating to political subdivisions (VETOED)

COURTS

SB 600 Modifies provisions relating to dangerous felonies
SB 653 Modifies provisions relating to child protection
HB 1414 Modifies provisions relating to child protection
HB 1854 Modifies provisions relating to political subdivisions (VETOED)

COURTS, JUVENILE

SB 600 Modifies provisions relating to dangerous felonies
SB 653 Modifies provisions relating to child protection
HB 1414 Modifies provisions relating to child protection

CREDIT AND BANKRUPTCY

SB 599 Modifies various provisions relating to financial instruments

CREDIT UNIONS

SB 599 Modifies various provisions relating to financial instruments

CRIMES AND PUNISHMENT

SB 569 Modifies provisions relating to victims of sexual offenses
SB 600 Modifies provisions relating to dangerous felonies
SB 644 Modifies law regarding service animals
HB 1655 Modifies provisions on official documents
HB 1711 Modifies provisions relating to the liability for distribution of donated shelf stable food
HB 1896 Modifies several provisions relating to controlled substances

CRIMINAL PROCEDURE

SB 600 Modifies provisions relating to dangerous felonies

DENTISTS

HB 2046 Modifies provisions relating to professional registration

DISABILITIES

SB 551 Modifies provisions relating to insurance
SB 644 Modifies law regarding service animals
SB 718 Modifies provisions relating to military affairs (VETOED)
HB 1387 Establishes the "Authorized Electronic Monitoring in Long-Term Care Facilities Act"
HB 1963 Modifies provisions relating to transportation

DOMESTIC RELATIONS

SB 653 Modifies provisions relating to child protection

DRUGS AND CONTROLLED SUBSTANCES

SB 600 Modifies provisions relating to dangerous felonies
HB 1682 Modifies provisions relating to health care
HB 1896 Modifies several provisions relating to controlled substances

EASEMENTS AND CONVEYANCES

HB 1330 Authorizes the conveyance of certain state property located in Cole County, Callaway County, St. Francois County, Randolph County, and Ste. Genevieve County

ECONOMIC DEVELOPMENT

SB 718 Modifies provisions relating to military affairs (VETOED)
HB 1963 Modifies provisions relating to transportation

ECONOMIC DEVELOPMENT, DEPARTMENT OF

SB 718 Modifies provisions relating to military affairs (VETOED)
HB 1768 Modifies provisions relating to communications services

EDUCATION, ELEMENTARY AND SECONDARY

HB 1467 Modifies provisions relating to public employee retirement systems
HB 1682 Modifies provisions relating to health care
HB 2120 Modifies provisions relating to the safety of utility infrastructure

ELDERLY

SB 599 Modifies various provisions relating to financial instruments
SB 718 Modifies provisions relating to military affairs (VETOED)
HB 1387 Establishes the "Authorized Electronic Monitoring in Long-Term Care Facilities Act"

ELECTIONS

SB 631 Modifies provisions relating to elections
HB 1854 Modifies provisions relating to political subdivisions (VETOED)

ELEMENTARY AND SECONDARY EDUCATION, DEPARTMENT OF

HB 1682 Modifies provisions relating to health care

EMBLEMS

SB 656 Modifies provisions relating to veterans

EMERGENCIES

HB 1963 Modifies provisions relating to transportation

EMINENT DOMAIN AND CONDEMNATION

HB 1963 Modifies provisions relating to transportation

EMPLOYEES - EMPLOYERS

HB 1467 Modifies provisions relating to public employee retirement systems

HB 1655 Modifies provisions on official documents

ENGINEERS

SB 913 Removes the expiration of the peer review process for architects, landscape architects, land surveyors, and engineers

ETHICS

SJR 38 Modifies provisions regulating the legislature to limit the influence of partisan or other special interests

SJR 38 Modifies provisions regulating the legislature to limit the influence of partisan or other special interests

HB 1386 Modifies the definition of "legislative lobbyist."

EVIDENCE

SB 600 Modifies provisions relating to dangerous felonies

HB 1387 Establishes the "Authorized Electronic Monitoring in Long-Term Care Facilities Act"

FAMILY LAW

SB 653 Modifies provisions relating to child protection

HB 1414 Modifies provisions relating to child protection

FEDERAL - STATE RELATIONS

HB 2456 Extends the sunset on certain health care provider federal reimbursement allowances

FIRE PROTECTION

HB 1854 Modifies provisions relating to political subdivisions (VETOED)

FIREARMS

SB 600 Modifies provisions relating to dangerous felonies

SB 656 Modifies provisions relating to veterans

FOOD

HB 1711 Modifies provisions relating to the liability for distribution of donated shelf stable food

FUNERALS AND FUNERAL DIRECTORS

HB 2046 Modifies provisions relating to professional registration

GENERAL ASSEMBLY

SJR 38 Modifies provisions regulating the legislature to limit the influence of partisan or other special interests

SJR 38 Modifies provisions regulating the legislature to limit the influence of partisan or other special interests

SCR 38 Disapproves the Missouri Hazardous Waste Management Commission's recommendations regarding the fees and taxes of the Hazardous Waste Management Commission

GOVERNOR AND LT. GOVERNOR

HB 1330 Authorizes the conveyance of certain state property located in Cole County, Callaway County, St. Francois County, Randolph County, and Ste. Genevieve County

GUARDIANS

HB 1387 Establishes the "Authorized Electronic Monitoring in Long-Term Care Facilities Act"

HB 1414 Modifies provisions relating to child protection

HEALTH AND SENIOR SERVICES, DEPARTMENT OF

SB 551 Modifies provisions relating to insurance

SB 569 Modifies provisions relating to victims of sexual offenses

SB 718 Modifies provisions relating to military affairs (VETOED)

HB 1387 Establishes the "Authorized Electronic Monitoring in Long-Term Care Facilities Act"

HB 1414 Modifies provisions relating to child protection

HB 1682 Modifies provisions relating to health care

HB 1896 Modifies several provisions relating to controlled substances

HB 2120 Modifies provisions relating to the safety of utility infrastructure

HEALTH CARE

SB 591 Modifies provisions relating to civil actions, including punitive damages and unlawful merchandising practices

SB 644 Modifies law regarding service animals

SB 718 Modifies provisions relating to military affairs (VETOED)

HB 1387 Establishes the "Authorized Electronic Monitoring in Long-Term Care Facilities Act"

HB 1682 Modifies provisions relating to health care

HB 2456 Extends the sunset on certain health care provider federal reimbursement allowances

HEALTH CARE PROFESSIONALS

SB 569 Modifies provisions relating to victims of sexual offenses

SB 591 Modifies provisions relating to civil actions, including punitive damages and unlawful merchandising practices

HB 1682 Modifies provisions relating to health care

HEALTH CARE PROFESSIONALS, CONTINUED

- HB 2046 Modifies provisions relating to professional registration
HB 2456 Extends the sunset on certain health care provider federal reimbursement allowances

HEALTH, PUBLIC

- SB 551 Modifies provisions relating to insurance
HB 1682 Modifies provisions relating to health care
HB 2120 Modifies provisions relating to the safety of utility infrastructure

HIGHWAY PATROL

- HB 1467 Modifies provisions relating to public employee retirement systems
HB 1896 Modifies several provisions relating to controlled substances
HB 1963 Modifies provisions relating to transportation

HOLIDAYS AND OBSERVANCES

- SB 656 Modifies provisions relating to veterans
SB 718 Modifies provisions relating to military affairs (VETOED)

INSURANCE - AUTOMOBILE

- SB 551 Modifies provisions relating to insurance
SB 718 Modifies provisions relating to military affairs (VETOED)
HB 1963 Modifies provisions relating to transportation

INSURANCE - GENERAL

- SB 551 Modifies provisions relating to insurance
SB 599 Modifies various provisions relating to financial instruments

INSURANCE - HEALTH

- SB 551 Modifies provisions relating to insurance
HB 1682 Modifies provisions relating to health care

INTERNET AND E-MAIL

- HB 1768 Modifies provisions relating to communications services

INTERSTATE COOPERATION

- HB 1511 Modifies provisions relating to professional licensing reciprocity

JUDGES

- HB 1467 Modifies provisions relating to public employee retirement systems

KANSAS CITY

- SB 656 Modifies provisions relating to veterans

LANDLORDS AND TENANTS

- SB 644 Modifies law regarding service animals
-

LAW ENFORCEMENT OFFICERS AND AGENCIES

- SB 569 Modifies provisions relating to victims of sexual offenses
SB 600 Modifies provisions relating to dangerous felonies

LIABILITY

- SB 591 Modifies provisions relating to civil actions, including punitive damages and unlawful merchandising practices
SB 913 Removes the expiration of the peer review process for architects, landscape architects, land surveyors, and engineers
HB 1711 Modifies provisions relating to the liability for distribution of donated shelf stable food

LICENSES - DRIVER'S

- HB 1963 Modifies provisions relating to transportation

LICENSES - MISCELLANEOUS

- HB 1963 Modifies provisions relating to transportation
HB 2046 Modifies provisions relating to professional registration

LICENSES - MOTOR VEHICLE

- SB 656 Modifies provisions relating to veterans
HB 1963 Modifies provisions relating to transportation

LOBBYING

- HB 1386 Modifies the definition of "legislative lobbyist."

MARITAL AND FAMILY THERAPISTS

- HB 2046 Modifies provisions relating to professional registration

MARRIAGE AND DIVORCE

- HB 1467 Modifies provisions relating to public employee retirement systems

MEDICAID/MO HEALTHNET

- SB 656 Modifies provisions relating to veterans
SB 718 Modifies provisions relating to military affairs (VETOED)
HB 2456 Extends the sunset on certain health care provider federal reimbursement allowances

MEDICAL PROCEDURES AND PERSONNEL

- SB 551 Modifies provisions relating to insurance
SB 591 Modifies provisions relating to civil actions, including punitive damages and unlawful merchandising practices

MENTAL HEALTH, DEPARTMENT OF

- HB 2456 Extends the sunset on certain health care provider federal reimbursement allowances

MERCHANDISING PRACTICES

- SB 551 Modifies provisions relating to insurance
-

MERCHANDISING PRACTICES, CONTINUED

- SB 591 Modifies provisions relating to civil actions, including punitive damages and unlawful merchandising practices

MERIT SYSTEM

- SB 718 Modifies provisions relating to military affairs (VETOED)

MILITARY AFFAIRS

- SB 718 Modifies provisions relating to military affairs (VETOED)
HB 1414 Modifies provisions relating to child protection
HB 1511 Modifies provisions relating to professional licensing reciprocity

MORTGAGES AND DEEDS

- SB 599 Modifies various provisions relating to financial instruments
HB 1655 Modifies provisions on official documents

MOTOR VEHICLES

- HB 1963 Modifies provisions relating to transportation

NATIONAL GUARD

- SB 718 Modifies provisions relating to military affairs (VETOED)

NATURAL RESOURCES, DEPARTMENT OF

- SCR 38 Disapproves the Missouri Hazardous Waste Management Commission's recommendations regarding the fees and taxes of the Hazardous Waste Management Commission
HB 1330 Authorizes the conveyance of certain state property located in Cole County, Callaway County, St. Francois County, Randolph County, and Ste. Genevieve County
HB 2120 Modifies provisions relating to the safety of utility infrastructure

NOTARY PUBLIC

- HB 1655 Modifies provisions on official documents

NURSING HOMES AND LONG-TERM CARE FACILITIES

- SB 718 Modifies provisions relating to military affairs (VETOED)
HB 1387 Establishes the "Authorized Electronic Monitoring in Long-Term Care Facilities Act"

OPTOMETRY

- HB 1963 Modifies provisions relating to transportation
HB 2046 Modifies provisions relating to professional registration

PHYSICAL THERAPISTS

- HB 2046 Modifies provisions relating to professional registration

PLANNING AND ZONING

- HB 1854 Modifies provisions relating to political subdivisions (VETOED)
-

POLITICAL SUBDIVISIONS

- SB 599 Modifies various provisions relating to financial instruments
- SB 739 Prohibits public bodies from entering into certain contracts
- HB 1467 Modifies provisions relating to public employee retirement systems
- HB 1768 Modifies provisions relating to communications services
- HB 1854 Modifies provisions relating to political subdivisions (VETOED)
- HB 1963 Modifies provisions relating to transportation
- HB 2120 Modifies provisions relating to the safety of utility infrastructure

PRISONS AND JAILS

- SB 600 Modifies provisions relating to dangerous felonies

PROBATION AND PAROLE

- SB 600 Modifies provisions relating to dangerous felonies

PROFESSIONAL REGISTRATION AND LICENSING

- SB 718 Modifies provisions relating to military affairs (VETOED)
- HB 1511 Modifies provisions relating to professional licensing reciprocity
- HB 2046 Modifies provisions relating to professional registration

PROPERTY, REAL AND PERSONAL

- HB 1655 Modifies provisions on official documents
- HB 1854 Modifies provisions relating to political subdivisions (VETOED)

PSYCHOLOGISTS

- HB 2046 Modifies provisions relating to professional registration

PUBLIC RECORDS, PUBLIC MEETINGS

- HB 1854 Modifies provisions relating to political subdivisions (VETOED)

PUBLIC SAFETY, DEPARTMENT OF

- SB 569 Modifies provisions relating to victims of sexual offenses
- SB 718 Modifies provisions relating to military affairs (VETOED)

RAILROADS

- HB 1963 Modifies provisions relating to transportation

REDISTRICTING

- SJR 38 Modifies provisions regulating the legislature to limit the influence of partisan or other special interests
- SJR 38 Modifies provisions regulating the legislature to limit the influence of partisan or other special interests

RETIREMENT - LOCAL GOVERNMENT

- SB 599 Modifies various provisions relating to financial instruments
 - HB 1467 Modifies provisions relating to public employee retirement systems
-

RETIREMENT - SCHOOLS

HB 1467 Modifies provisions relating to public employee retirement systems

RETIREMENT - STATE

HB 1467 Modifies provisions relating to public employee retirement systems

RETIREMENT SYSTEMS AND BENEFITS - GENERAL

HB 1467 Modifies provisions relating to public employee retirement systems

ROADS AND HIGHWAYS

HB 1963 Modifies provisions relating to transportation

SAINT LOUIS CITY

SB 600 Modifies provisions relating to dangerous felonies

SALARIES

HB 1467 Modifies provisions relating to public employee retirement systems

SECRETARY OF STATE

SB 599 Modifies various provisions relating to financial instruments

HB 1655 Modifies provisions on official documents

SECURITIES

SB 599 Modifies various provisions relating to financial instruments

SEXUAL OFFENSES

SB 600 Modifies provisions relating to dangerous felonies

SOCIAL SERVICES, DEPARTMENT OF

SB 653 Modifies provisions relating to child protection

HB 1414 Modifies provisions relating to child protection

HB 2456 Extends the sunset on certain health care provider federal reimbursement allowances

STATE DEPARTMENTS

SB 718 Modifies provisions relating to military affairs (VETOED)

STATE EMPLOYEES

SB 631 Modifies provisions relating to elections

HB 1467 Modifies provisions relating to public employee retirement systems

SUICIDE

SB 718 Modifies provisions relating to military affairs (VETOED)

SURVEYORS

- SB 913 Removes the expiration of the peer review process for architects, landscape architects, land surveyors, and engineers

TAXATION AND REVENUE - INCOME

- SB 676 Modifies several provisions relating to taxation

TAXATION AND REVENUE - PROPERTY

- SB 676 Modifies several provisions relating to taxation
HB 1963 Modifies provisions relating to transportation

TAXATION AND REVENUE - SALES AND USE

- HB 1854 Modifies provisions relating to political subdivisions (VETOED)

TEACHERS

- SB 656 Modifies provisions relating to veterans
SB 718 Modifies provisions relating to military affairs (VETOED)
HB 1467 Modifies provisions relating to public employee retirement systems

TELECOMMUNICATIONS

- HB 1768 Modifies provisions relating to communications services

TOBACCO PRODUCTS

- HB 1682 Modifies provisions relating to health care

TRANSPORTATION

- HB 1963 Modifies provisions relating to transportation

TRANSPORTATION, DEPARTMENT OF

- HB 1467 Modifies provisions relating to public employee retirement systems
HB 1963 Modifies provisions relating to transportation

TREASURER, STATE

- SB 599 Modifies various provisions relating to financial instruments
HB 2456 Extends the sunset on certain health care provider federal reimbursement allowances

UTILITIES

- HB 2120 Modifies provisions relating to the safety of utility infrastructure

VETERANS

- SB 656 Modifies provisions relating to veterans
SB 718 Modifies provisions relating to military affairs (VETOED)

VICTIMS OF CRIME

- SB 569 Modifies provisions relating to victims of sexual offenses
SB 600 Modifies provisions relating to dangerous felonies
-

VITAL STATISTICS

HB 1414 Modifies provisions relating to child protection

WASTE - HAZARDOUS

SCR 38 Disapproves the Missouri Hazardous Waste Management Commission's recommendations regarding the fees and taxes of the Hazardous Waste Management Commission

WATER RESOURCES AND WATER DISTRICTS

HB 2120 Modifies provisions relating to the safety of utility infrastructure

SUBJECT INDEX

FOR

ONE HUNDREDTH

GENERAL ASSEMBLY,

FIRST EXTRAORDINARY SESSION

(2020)

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**100TH GENERAL ASSEMBLY, FIRST EXTRAORDINARY SESSION
(2020)**

AMBULANCES AND AMBULANCE DISTRICTS

- HB 46 Modifies the power of the City of St. Louis to impose residency requirements on certain municipal personnel

CONTRACTS AND CONTRACTORS

- HB 46 Modifies the power of the City of St. Louis to impose residency requirements on certain municipal personnel

COURTS

- HB 66 Creates the "Pretrial Witness Protection Services Fund"

EMPLOYEES - EMPLOYERS

- HB 46 Modifies the power of the City of St. Louis to impose residency requirements on certain municipal personnel

FIRE PROTECTION

- HB 46 Modifies the power of the City of St. Louis to impose residency requirements on certain municipal personnel

LAW ENFORCEMENT OFFICERS AND AGENCIES

- HB 46 Modifies the power of the City of St. Louis to impose residency requirements on certain municipal personnel
HB 66 Creates the "Pretrial Witness Protection Services Fund"

POLITICAL SUBDIVISIONS

- HB 46 Modifies the power of the City of St. Louis to impose residency requirements on certain municipal personnel

PUBLIC SAFETY, DEPARTMENT OF

- HB 66 Creates the "Pretrial Witness Protection Services Fund"
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SUBJECT INDEX

FOR

ONE HUNDREDTH

GENERAL ASSEMBLY,

SECOND EXTRAORDINARY SESSION

(2020)

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**100TH GENERAL ASSEMBLY, SECOND EXTRAORDINARY SESSION
(2020)**

APPROPRIATIONS

HB 14 Provides for supplemental appropriations

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